MARCH 27 - SEPT. 25

Agendas / minutes of the Mayor's Race Relations Committee for the City of Hamilton

Mayor's Race Rela

1992 March 19

NOTICE OF MEETING

Mayor's Race Relations Committee
Friday, 1992 March 27
4:00 o'clock p.m.
Room 219, City Hall

Stella Glover

Stella Glover
Secretary

AGENDA

1. Welcome and Introduction - **Mayor R.M. Morrow**

2. Oath of Appointed Office.

3. Minutes of Meeting held 1991 November 29.

4. Mandate and Structure of Mayor's Race Relations Committee - **Nirmal Takhar**

5. Requests for Committee Input:

   (a) Task Force on Sustainable Development - Vision 2020
   (b) York University - Certificate Program in Race Relations

6. Future Meeting Dates and Times.

7. Other Business.

8. Adjournment.

Friday, 1991 November 29
5:00 o'clock p.m.
Bayshore Room, Royal Connaught Hotel

The Mayor's Race Relations Committee met.

3.

There were present: Mayor R.M. Morrow, Co-Chair
Professor H. Jain, Co-Chair
Reynold Austin
Smail Beckir
Phillip Castrodale
Tyrone Childs
Doreen Johnson
Rev. John Johnson
Phil Leon
Jesse Malik
Nuno Oliveira
Leslie Pasis
Santokh Pooni
Helen Probert
Marjorie Ricketts
Peter Shebib
Nirmal Takhar
Ken Stone
Marlene Osbourne
Michael Webber

Also present: Sgt. Michael Webber, Hamilton-Wentworth Regional Police
Stella Glover, Secretary

1. Welcome and Presentation of Certificates

The Mayor welcomed everyone and thanked members for their participation during their term as members of the Mayor's Race Relations Committee. The Mayor then presented certificates of recognition to members.

The Committee expressed their appreciation to the two Co-Chairmen for their endeavours on behalf of the Committee during the past term of office.

Congratulations were extended in her absence to Mrs. Lenore Sorger on her recent World Citizenship Award.

2. 1992 Budget Request

Mr. Takhar presented a suggested budget for 1992 which he said was a 3% increase over the previous year.

After discussion the 1992 budget request was adopted as follows:

Telephone	City Clerk's Department
Postage	$ 1,000.00
Office Supplies	700.00
Committee Sponsored Seminars (3)	7,800.00
Travel for Attendance at Out-of-Town Seminars	1,000.00
Cultural Exchanges	1,500.00
Monthly Meeting Expenses	875.00
1992 BUDGET REQUEST	**$12,880.00**

3. **Grant Application**

It was noted that additional information was required by the Ministry of Citizenship to support the grant application. The Committee agreed that the following members would meet with Saleem Yacoub of the Anti-Racism Directorate to provide this information:

Mayor R. M. Morrow
Professor Harish Jain
Marlene Osbourne
Santokh Pooni
Ken Balasubramaniam
Doreen Johnson
Nirmal Takhar

4. **Adjournment**

There being no further business the meeting then adjourned.

Taken as read and approved.

Mayor R.M. Morrow
Co-Chairman
Mayor's Race Relations Committee

Professor H. Jain
Co-Chairman
Mayor's Race Relations Committee

Stella Glover
Secretary

Task Force on Sustainable Development

5(a)

economic, social and environmental planning for the future

December 31, 1991 JAN 7 1992 764.91.8

Stella Glover
Mayor's Race Relations Comm.
c/o 71 Main St. West
City Hall
Hamilton, Ontario
L8N 3T4

Dear fellow citizen:

RE: Vision 2020: A draft vision for Hamilton-Wentworth

The Chairman's Task Force on Sustainable Development was established by Regional Council to investigate the concept of sustainable development, as a way to coordinate and integrate planning, economic development, budgeting and other Regional decision making in the future. A major part of this mandate required the Task Force to consult widely with citizens.

For the past 18 months, the Task Force has been meeting with citizens in workshops, focus groups and at a major community forum, to find out where people think the Region should be headed in the future. Since July, the Task Force has been working hard to come to a consensus on a draft vision; one that can guide Hamilton-Wentworth to a sustainable future.

The document enclosed - Vision 2020 - is a draft released for public review and comment. The purpose of the vision is twofold: to guide Regional politicians and staff as decisions are made about our future; and, to serve as a way for citizens to check whether these decisions are on track. We would like you to review the vision and give us your comments, suggestions, criticisms and recommendations. Some of the things the Task Force would like to know include:

1. What is good about the vision?
2. What is missing from the vision?
3. Where and how can it be improved?
4. Is the vision too general?
5. How does your area(s) of concern or organization fit with the vision: are there specific ways we can work together to make the vision happen?

Regional Municipality of Hamilton-Wentworth
119 King Street West, 14th. Floor, P.O. Box 910, Hamilton, Ontario, L8N 3V9 (416) 546-2195, Fax: 546-4364

The Task Force wants to see the draft vision become the object of spirited community debate. To help this along, we welcome requests for face to face meetings, to clarify the vision and foster informed discussion.

The Task Force will be holding formal public hearings in March, 1992, where individuals and groups will be able to make written or verbal presentations on the draft vision. We encourage you to review the draft and contribute your ideas to the process. You can do this by sending a written submission to the Task Force Coordinator at the address on this letter, or by calling either Mark Hornell (546-2195) or Mark Bekkering (546-2150), to arrange a presentation at the public hearings to be scheduled for March, 1992.

Once all public submissions have been received and reviewed, the Task Force will revise the vision and present it to Regional Council for adoption. The vision will then become the framework to guide Regional decision-making for planning, economic development and budgetary issues, as well as serve as the foundation for more work by the Task Force as we develop strategies to make the vision a reality.

As I mentioned earlier, citizens have been consulted and involved in all steps leading to the publication of this draft vision, and this process will continue. Citizen working groups recommended many specific ways to improve life in the region. These ideas will be picked up by the Task Force as implementation strategies are developed. Citizens and agencies will have more opportunity for involvement in strategy design, through the creation of strategy design teams as sub-committees of the Task Force. As well, final strategies to implement the vision will be presented for public review in late 1992, before going to Regional Council for consideration.

I encourage you to take part in this and upcoming opportunities to shape the future of your region, and speaking for the Task Force, we look forward to receiving your ideas.

Yours truly,

Don Ross
Task Force Chairman

/encl.

Vision 2020: The Sustainable Region

An Overview

In the year 2020, Hamilton-Wentworth is home to approximately 1/2 million people, living in a region made up of compact urban core areas, surrounded by a rural landscape that includes productive farms, hamlets and a continuous network of natural areas.

We are an environmentally conscious community where the existence of all living things is cherished and where all can breathe fresh air, swim in clean streams and lakes and have ample opportunity to observe and experience the wonders of the natural world.

We are an economically, socially and culturally diverse community that encourages opportunities for individuals, reduces inequities and ensures full participation for all in community life.

We are a caring community that gives opportunity and support to all its members, including children, the aged, the physically and mentally challenged, immigrants and refugees. People live longer in good health.

Finally, we are a vibrant, vigourous community which builds on existing strengths and attracts wealth producing industries that work in partnership with government and the community to create a diverse, sustainable economy. Economic growth incorporates non-polluting, energy efficient and environmentally friendly industries, including traditional manufacturing industries that have been supported and helped to become environmentally sustainable. Industry, government and labour have great capacity for innovation in response to global economic change.

The Landscape

The health and beauty of the countryside and townscapes are a source of great civic pride. A protected system of natural areas threads throughout the region, preserving and improving our natural heritage. This system of natural areas and connecting corridors allows wildlife to migrate, enhancing their chances of reproducing and finding food and shelter. A recreational greenway gives residents access to this system of natural areas, in ways that do not threaten ecological processes. Recreation and the needs of wildlife for a protected habitat co-exist.

As a community, we cherish a clean, healthy environment and work to prevent ecological degradation. Waste-reduction, energy-efficiency and respect for ecological systems characterize all aspects of community life and decision making, including government, business and industry. Citizens abide by environmental laws and regulations and help educate each other on ways of living in harmony with the natural world. We are a model for other communities in the way in which we integrate short-term economic benefits, long-term environmental and social costs, and indirect economic costs in our evaluation of public and private initiatives.

Our Communities

Urban areas are laid out, and individual buildings designed and located, in ways that maintain community character, respect our cultural and natural heritage, and satisfy people's needs and desires. Urban development occurs within firm boundaries. Green

corridors bring nature into the city, giving people easy and convenient access to the open countryside, natural areas and continuous public open space along the bayshore and lakeshore. Our neighbourhoods are models of energy-efficiency, waste-reduction and respect for nature. Human needs for space, privacy, safety, and aesthetic appeal are fulfilled.

In the year 2020, we know our neighbours. We live in communities and neighbourhoods together with people of all ages and walks of life. Different kinds of activities and land uses are mixed closely together, so that we can walk to meet our daily needs for work, recreation and other services. Each neighbourhood has a central gathering place where essential services such as shopping, health care, education and recreation are clustered around an attractive, car-free common open space. This gives everyone an opportunity to participate in all aspects of community life. Each neighbourhood has a full range of housing types and prices allowing people to live in their communities throughout their lives. This is true also for former suburban industrial-business parks, which have been re-developed with homes and other activities mixed in with workplaces.

Hamilton-Wentworth is a warm and friendly place where people actively care for their community and are concerned for one another's welfare. The streets and public areas are safe at all times. Neighbourhoods have strong local identity. Residents actively participate in community life, to a large extent, controlling the pace and design of change. The decision-making process is easily understood and open to involvement by all. Politicians and public employees take the actions needed to achieve long-term community plans.

Getting Around

An integrated public transportation system serves the entire region in an affordable, efficient, and accessible way. Clean forms of transportation predominate. Public streets are designed and managed (including signals and regulations) to accomodate comfortably and safely, public transit, cyclists, pedestrians and automobiles as complementary forms of transportation. The integrated transportation system gives access to all basic needs. Public transit provides all citizens with easy access to activity areas, as well as to neighbouring communities and cities via convenient and frequent inter-urban transit. Most people can walk or cycle to work because jobs and housing are near one another. Major roads have minimal noise and pollution impacts on adjacent lands, and follow routes that cause little damage to the natural and human environment.

Quality of Life

In the year 2020, disease and disability are being progressively reduced. All of us achieve our full potential in a safe, non-violent environment. Everyone has adequate food, shelter, income and education. Everyone has a valued role to play in family, work and community. We have access to affordable and appropriate health care, regardless of geography, income, age, gender, or cultural background. Cultural institutions and activities are recognized and supported for their contribution to community life and economic health. Cultural institutions reflect our historical development and the contributions of our diverse population.

All of us take responsibility for our health, citizenship and public decision-making. As citizens, we are active participants in cooperative, region-wide community planning.

Government is coordinated, efficient and easily accessible. A well-educated, literate population is seen as a total community responsibility. Schools are leaders in effective learning and excellence in teaching. Lifelong learning is valued and supported across the community. All citizens are knowledgeable about sustainable development and quality of life issues. Our cultural institutions and groups advocate values consistent with environmental sustainability. Educational institutions instill sustainable values and citizens pursue sustainable lifestyles.

Livelihood

A stable, flexible economy is achieved through the effective use and development of all community resources. This means not only land, capital equipment, and community services, but the continued improvement and retention of a skilled workforce. Economic strategies, set through a cooperative process involving citizens, industry, government, education and labour, include effective job-training and re-training programmes. Young adults find employment opportunities in the region.

The region is home to numerous firms that carry out research and development and manufacture in sustainable economic sectors. Successful companies are characterized by high production quality and worker productivity, and innovative employment practices such as on-site daycare, jobsharing, work-at-home arrangements, and cooperative, community-based job creation. These companies provide a solid tax base for the region. Business and industry actively participate with government in advanced skill training programmes, including programmes designed to enhance employment accessibility for the physically and mentally challenged. Firms are at the forefront of energy efficiency; and pollution control and prevention.

Hamilton-Wentworth is now home to a whole new economic sector based on the natural resources of the region. Burlington Bay is a base for nature-oriented tourism and recreation, that includes the Niagara Escarpment, waterfalls and Carolinian forest areas of the region. The harbour is a vibrant centrepiece for the community and is accessible, clean, and humming with diversity. Recreation co-exists with use of the harbour as an essential marine transportation link.

Agriculture, now considered a strategic community resource, is a vibrant part of the regional economy, which makes a valued contribution to our overall quality of life. The farming community is economically viable and environmentally sensitive, capable of supporting family farming operations that are competitive internationally. The farming community is in harmony with neighbouring urban areas using clean, organic urban waste to enhance the soil. Prime agricultural land is recognized by all citizens as irreplaceable and strong policies and programs ensure its continued use for food production. Moreover, agricultural soils are continuously improved through the widespread use of sustainable farm practices. Vacation farming ensures an enhanced profile for local agriculture.

Is This Your Vision?

As you read **Vision 2020** think about what type of community you would like Hamilton-Wentworth to be thirty years from now. Does Vision 2020 match your vision of the future? What is missing? What should be changed or improved? We invite you to make your comments and views known to the Task Force.

5(b)

UNIVERSITÉ
YORK
UNIVERSITY

ATKINSON COLLEGE

4700 KEELE STREET • NORTH YORK • ONTARIO • CANADA • M3J 1P3

February 19, 1992

MAYOR'S RACE RELATIONS COMMITTEE
CITY OF HAMILTON
71 Mian Street West
Hamiltion, Ontario
L8N 3T4

Dear Madam/Sir:

As you can see by the attached brochure, the Sociology Department at Atkinson College, York University, Toronto, has developed Canada's first Certificate Program in Race Relations. It is an applied academic program with a combined emphasis on anti-racist community development projects and well established community partnerships. Our graduates have gone on to work in community organizations, and institutions such as the criminal justice system, health care, education, and in different sectors of the government.

We would appreciate critical feedback from you in the community about our Certificate Program. More information is always available through correspondance or by giving us a call. We would like to hear from you.

Also, if you know of anyone or any organization whom we could contact and send our brochure out to please contact us. If you would like more brochures please feel free to contact me and I will send them out to you and your organization as soon as possible.

Since we are currently in the process of putting together a growing mailing list of interested groups and organizations we would also appreciate that you allow us to put you and your organization on our mailing list. If you can also help us develop this list your strategies and input would be more than help, since our goal is to reach as many people as possible and inform them of this program which is both innovative and challenging.

Yours Sincerely,

Renuka Sooknanan
Community Race Relations Coordinator

UNIVERSITÉ YORK UNIVERSITY

Race Relations Certificate

ATKINSON College

Welcome to Atkinson College, the Faculty of York University which offers a wide range of courses and programs to adult students, most of whom study part-time in the evening.

The college operates year-round, and most classes meet one or two evenings a week. During the short summer session, classes are held in the evening and during the day.

In addition to a wide variety of ordinary (15 full courses) and honours (20 full courses) degree programs, Atkinson offers a number of certificate programs, each concentrating on a specific and professional area of study. While the requirements and number of courses vary with each certificate, many of our certificate programs can be completed with as few as five or six full courses.

You can pursue a certificate on its own or in conjunction with a degree. And if you decided to do a certificate on its own, you may be able to apply some or all of the credits you earned for the certificate toward a degree.

New Program at Atkinson

Recently, Atkinson's department of Sociology launched a new program, a Certificate in Race Relations. The certificate trains students in anti-racism work, enabling them to challenge systemic or institutional racism.

The program is designed specifically for people who deal with racial issues or concerns in their own jobs, or who would like to work in the area of race relations. If you are employed, for instance, in health care, education, social work, civil service, counselling, law enforcement, immigration, advertising, the media, business, industry, a union, or a service industry, Atkinson's new certificate program could be of great benefit to your career.

Through the certificate program, which emphasizes applied sociology, students acquire skills in a number of areas including: the design and implementation of race relations research; policy assessment and program planning in race relations; sensitivity training; consultancy work; and the preparation and delivery of educational workshops. During the program, students must prepare, in co-operation with a community organization, a research project on a race relations issue of mutual concern.

Certificate Requirements

Students wishing to earn a Certificate in Race Relations must successfully complete eight courses including:

One from:

AK/SOSC1710.06 People in Society
Contributions of anthropology, psychology and sociology to the understanding of people and their environment.

AK/SOSC1880.06 Social Change in Canada
Recent trends in Canadian social institutions and the politics and management of change.

One from:

AK/SOCI2410.06 Introductory Sociology
Sociological concepts and how they apply to social issues, work and everyday life; topics include family and gender, deviance, health and illness, race and ethnicity, organizations, research strategies and ethics.

AK/SOCI2460.06 Introductory Anthropology
Human groups including hunting and gathering bands and horticultural societies;

state formation and peasantries; urban anthropology; and major research methods.

Both of:

AK/SOCI3620.06 Racism and Colonialism With the aid of novels, film and other primary materials, students learn about racial identity; the state and discriminatory behaviour; racial conflict and colonialism; and racist ideology and institutions.

AK/SOCI3880.06 Race Relations and Institutional Change Models of institutional change; strategies and mechanisms to ensure the rights and opportunities of minority people; and an introduction to fieldwork techniques.

And three of the following courses, including at least one numbered *AK/SOCI3890.06*

AK/SOC13300.06 Introduction to Social Analysis Practical experience in assessing social science research, including applications to topics on race relations.

AK/SOCI3340.06C Gender, Class and Labour Theories of gender and class applied to the sociology and anthropology of work; class and labour discipline; labour and development; and family and the state.

AK/SOCI3340.06D Law and Social Control Legitimacy and authority; legal institutions; rule-making and control practices; and constraints and demands within the legal system.

AK/SOCI3390.06K Native Peoples of Canada Traditional ways of life of Indian, Métis and Inuit peoples, and their historical experience in Canada; impact of the fur trade and colonization; current federal planning and northern development; and Native protest movements.

AK/SOCI3580.06 Ethnic Communities in Canada Cultures of dominant and minority groups in Canada, including leadership, institutions, and ethnic identity. Canadian policies and experience regarding immigrants and refugees.

AK/SOCI3890.06A Race Relations in Canadian Schools Racial and ethnic stereotyping in education; links to class, gender, language and religious differences; impact of discriminatory practices and institutional racism on immigrants, native peoples and other minorities; and strategies such as community action to achieve social equity.

AK/SOCI3890.06B Race Relations and Work in Canada Racism and work in a number of settings, including the garment industry, restaurants, and clerical and professional occupations; community action, education, and legal remedies.

AK/SOCI3890.06C Race Relations and the Criminal Justice System Law enforcement, policing, trial procedures and mediation practices in relation to the participation of minorities as official agents, offenders and victims; strategies for change.

AK/SOCI3890.06D Health, Culture and Race The ways in which culture and race affect participation in, and delivery of, health services; strategies for change.

AK/SOCI3890.06E Racism and Popular Culture Racist imagery in TV, film, advertising, popular music, cartoons, newspapers and magazines; styles and strategies of cultural resistance.

And, as the final course:

AK/SOCI3980.06 Directed Research Each student designs and carries out a race relations research project in the community, while working under the direction of a faculty member.

Applying to Atkinson

If you want to earn the Race Relations Certificate, or to take any course, certificate or degree program at Atkinson, you must first be admitted as a student of the college.

You can apply for admission to Atkinson anytime, but if you want to begin in a specific session, you must submit your application by one of the following deadlines:

Summer session	**April 1**
Fall / Winter session	**August 1**
Winter session	**December 1**

You can begin your Atkinson studies in any of these three sessions. Classes for the **Fall / Winter** session begin in early September, courses for the **Winter** session start in early January, and classes for the **Summer** session commence in early May.

Advanced Standing

If you have completed courses at a recognized university or a college of applied arts and technology, your application will be reviewed for transfer credit once you have been admitted to Atkinson. All students must complete at least four full-course equivalents at Atkinson for the Race Relations Certificate.

Course Locations

Most courses are offered at the York campus at Keele Street and Steeles Avenue in North York. To accommodate students who live outide Metro Toronto and special groups, courses are sometimes held at off-campus locations.

To obtain a calendar or an application form, or for more information about Atkinson College, you can visit us in person, call, or write to us at:

Atkinson College
York University
4700 Keele Street
North York, Ontario
M3J 1P3

Atkinson Information Service:
(416) 736-5222

Enquiry hours are:

October to February:
Monday to Thursday – 8:30 a.m. to 7:00 pm.
Friday – 8:30 a.m. to 5:00 p.m.

March to September:
Monday to Thursday – 8:30 a.m. to 8:00 p.m.
Friday – 8:30 a.m. to 5:00 p.m.
Saturday – 10:00 a.m. to 2:00 p.m.

For more information about the Race Relations Certificate or sociology courses, please call Atkinson's Sociology department at: (416) 736-5229

UNIVERSITE YORK UNIVERSITY

Mayor's Race Relat

1992 April 21

NOTICE OF MEETING

Mayor's Race Relations Committee
Friday, 1992 April 24
4:15 o'clock p.m.
Room 219, City Hall

Stella Glover
Secretary

Please be advised that a meeting of the Mayor's Race Relations Committee will be held at the above-mentioned time and place.

A parking permit for the City Hall car park is attached for your convenience. Due to the short time frame agendas will be distributed.

Mayor's Race Relations Committee

1992 April 14

NOTICE OF MEETING

Mayor's Race Relations Committee
Friday, 1992 April 24
4:15 o'clock p.m.
Room 219, City Hall

Stella Glover

Stella Glover
Secretary

AGENDA

1. Outline of Police Services Act Legislation Requiring Employment Equity - **Hamilton-Wentworth Regional Police**

2. **Elections:**

   (a) Mayor's Race Relations Committee Co-Chairperson
   (b) Sub-Committee Chairpersons

3. Minutes of Meeting Held 1992 March 27 (attached)

4. **Matters Arising:**

   (a) Task Force on Sustainable Development - draft response - **Mark Haas**
   (b) York University - draft response - **William Shaffir**
   (c) Annual Awards Banquet

2 ...

5. **Mayor's Race Relations Advisory Council Report:**

   (a) Black-face Minstrel Shows (attached)

6. In-house Race Relations Training for Mayor's Race Relations Advisory Council/Committee Members - **Marlene Thomas-Osbourne**

7. Private and Confidential Agenda

8. Other Business.

9. Adjournment.

Friday, 1992 March 27
4:00 o'clock p.m.
Room 219, City Hall

3.

The Mayor's Race Relations Committee met.

There were present:	Professor H. Jain, Acting Chairperson Marlene Osbourne Monty Montomura Mark Haas Geoffrey Small Santokh Pooni William Shaffir Mel Madamba
Also Present:	Nirmal Takhar Stella Glover, Secretary
Regrets:	Mayor R.M. Morrow - City Business Alderman M. Kiss - City Business Sharon Bonham - Illness

1. Welcome

Professor H. Jain, past Co-Chairperson of the Mayor's Race Relations Committee, took the chair during the absence of the Mayor who was delayed at a previous meeting.

2. Oath of Appointed Office

Members of the Committee present took the Oath of Office.

3. Mandate and Structure

Mr. Nirmal Takhar, a past member of the Mayor's Race Relations Committee who had been the Membership Chairperson at the time that the new Membership Guidelines were created, attended and gave the background to the mandate and revised structure of the Mayor's Race Relations Committee and the Mayor's Race Relations Advisory Council.

Mr. Takhar explained that six members of the Mayor's Race Relations Committee were to be appointed as Chairpersons of the six Sub-Committees. However, as these appointments will not be made until the next meeting of the Mayor's Race Relations Committee he asked for six volunteers to attend the next meeting of the Mayor's Race Relations Advisory Council.

The following persons volunteered:

Santokh Pooni
Marlene Osbourne
Geoffrey Small
Mark Haas
Mel Madamba
Monty Motomura

The Committee was advised of a request to place an additional member on the Mayor's Race Relations Committee and the Committee agreed that the mandate and structure precluded further members from being added. However, it was noted that should a vacancy occur, this person would have the opportunity of joining the Committee at that time.

4. Minutes of Meeting

The minutes of meeting held 1991 November 29 were adopted as presented.

5. Future Meeting Dates and Times

The Committee agreed that future meetings of the Mayor's Race Relations Committee will be held on the fourth Friday of the month at 4:15 p.m. and adopted the following meeting schedule for the remainder of 1992.

April 24
May 22
June 26
September 25
October 23
November 27

6. Requests for Committee Input

(a) **Task Force on Sustainable Development - Vision 2020**

The Committee was in receipt of a request from the Task Force on Sustainable Development for input into their draft Vision. The Committee agreed that Mark Haas will prepare a draft response for consideration by the Committee at their next meeting.

(b) **York University**

The Committee was in receipt of a request from York University for input into their Certificate Program in Race Relations.

The Committee agreed that William Shaffir will draft a response for consideration by the Committee at their next meeting.

7. Speakers

The Secretary made the Committee aware of various requests from the community for speakers from the Mayor's Race Relations Committee.

The Committee agreed that future requests will be referred to members of the Committee in alphabetical order, except in the case of a request for a speaker on a particular religion or culture, in which case the member may make a referral.

8. Annual Awards Banquet

The following members volunteered to sit on an Ad Hoc Dinner Committee.

Mel Madamba
Marlene Osbourne
Harish Jain
Geoffrey Small
Monty Motomura
Santokh Pooni
Mark Haas

At this point Alderman Frank D'Amico joined the meeting having been delayed at the budget meeting.

9. Kitchener Conference

The Committee was advised that four members of the Mayor's Race Relations Committee/Advisory Council had submitted their names to attend the Kitchener Conference. Names had therefore been drawn and the two members who would be representing the Committee/Advisory Council would be:

Geoffrey Small
Tyrone Childs

10. Adjournment

There being no further business the meeting then adjourned.

Taken as read and approved.

Professor H. Jain,
Acting as Chairperson
Mayor's Race Relations Committee

Stella Glover
Secretary
Mayor's Race Relations Committee

5(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1992 April 14

REPORT TO: Stella Glover, Secretary
Mayor's Race Relations Committee

FROM: Stella Glover, Secretary
Mayor's Race Relations Advisory Council

SUBJECT: **Black-face Minstrel Shows**

RECOMMENDATION:

That the Mayor's Race Relations Committee send a letter to the Hamilton area and International Lion's Clubs advising them that the Mayor's Race Relations Committee finds black-face minstrel shows to be racist and in poor taste and hopes that similar events are not promoted in the City of Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At their meeting of 1992 April 10 a newspaper article was brought to the Mayor's Race Relations Advisory Council's attention with regard to a black-face minstrel show which had recently been held in Simcoe, Ontario and sponsored by the Simcoe Lions Club.

The Advisory Council found shows of this nature to be offensive and made the foregoing recommendation.

cc: Michael Webber, Chairperson
Mayor's Race Relations Advisory Council

Mayor's Race Relations Committee

1992 May 15

NOTICE OF MEETING

Mayor's Race Relations Committee
Friday, 1992 May 22
4:15 o'clock p.m.
Room 219, City Hall

Stella Glover
Stella Glover
Secretary

AGENDA

1. Minutes of Meeting held 1992 April 24 (attached)
2. In-House Race Relations Training for Committee and Advisory Council Members - **Marlene Thomas-Osbourne**
3. Anti-Racism Strategy Project Grant.
4. Annual Awards Banquet.
5. Private and Confidential Agenda.
6. Other Business.
7. Adjournment.

NOTE: If you are unable to attend the meeting, please notify the Secretary at 546-3993 at least 24 hours in advance, in order to ensure that enough members are present to form a quorum. The City Clerk's Department will no longer be conducting phone polls prior to meetings.

Friday, 1992 April 24
4:15 o'clock p.m.
Room 219, City Hall

The Mayor's Race Relations Committee met.

1

There were present: Alderman F. D'Amico, Acting Chairperson
Marlene Thomas-Osbourne, Co-Chairperson
Mark Haas
Mel Madamba
William Shaffir
Sharon Bonham
Harish Jain
Monty Motomura
Santokh Pooni
Geoffrey Small
Michael Webber

Regrets: Mayor R.M. Morrow, Chairperson - City Business
Alderman M. Kiss - Regional Business

Also present: Stella Glover, Mayor's Race Relations Committee Secretary

1. <u>Outline of Police Services Act Legislation Re: Employment Equity</u>

Inspector Lynda Bowen of the Hamilton-Wentworth Regional Police attended and gave the Committee an outline of the Police Services Act Legislation requiring employment equity and the way in which the Hamilton-Wentworth Regional Police are implementing this.

Harish Jain congratulated the Hamilton-Wentworth Regional Police and said he was delighted with the initiatives taken. However, he wondered how many members from the four target groups were in higher positions within the Police Department. He wondered why persons with experience and qualifications should be hired at the bottom level.

Inspector Bowen said she would like to come back to the Committee to bring the plan when finalized and said the plan would be released by the Police Services Board in April and then would be made available to members of the public and interested groups.

The Acting Chairperson asked if the Committee could be sent a copy of the proposals to which Inspector Bowen agreed. The Secretary was directed to circulate this to all members of the Committee upon receipt for possible comment.

It was therefore agreed that when the Police Services Board has approved the plan it be circulated to members of the Committee, following which Chief Middaugh and the Chairperson of the Police Services Board be invited to attend a meeting of the Committee in order that they could respond to the Committee's questions at the appropriate time.

Marlene Thomas-Osbourne said she was happy that the Police Services Board was sharing this information with the Committee and would welcome the opportunity to see the final plan and then make comments and ask questions thereon.

The Committee therefore received the verbal report from Inspector Lynda Bowen of the Hamilton-Wentworth Regional Police with regard to employment equity for information.

2. Oath of Office

Five members of the Mayor's Race Relations Committee who had not previously done so, took the Oath of Office.

3. Elections

(a) Co-Chairperson, Mayor's Race Relations Committee:

The Acting Chairperson called for nominations for the position of Co-Chairperson of the Mayor's Race Relations Committee and Marlene Thomas-Osbourne was duly nominated and seconded. Mrs. Thomas-Osbourne accepted the nomination and was acclaimed Co-Chairperson of the Mayor's Race Relations Committee.

(b) Sub-Committee Chairperson:

The following members were nominated, seconded and duly elected as Chairpersons of the Sub-Committees:

Committees and Commissions - William Shaffir

Finance - Mel Madamba

Media - Mark Haas

Mediation - Geoffrey Small, Chairperson
Sharon Bonham, Co-Chairperson

Membership - Santokh Pooni

Public Awareness - Harish Jain, Chairperson
Monty Motomura, Co-Chairperson

4. Minutes of Meeting

The minutes of meeting held 1992 March 27 were **ADOPTED.**

5. Matters Arising

(a) Task Force on Sustainable Development

Mark Haas distributed a draft response which he had prepared and requested the Committee's input thereon.

The Committee then provided input and it was agreed that Mark Haas will re-draft the letter to incorporate the Committee's comments and send to the Secretary for circulation to the members of the Committee for their response, following which it is to be sent to the Task Force on Sustainable Development as soon as possible.

(b) York University Draft Response

William Shaffir submitted a draft response to correspondence from York University with regard to their Race Relations Certificate Programme.

The Committee agreed that the draft response prepared by William Shaffir to York University be approved and sent on behalf of the Committee.

(c) **Annual Awards Banquet**

Harish Jain expressed concern that the Convention Centre was again being proposed for the Annual Awards Banquet and suggested that suitable dates be explored with the Sheraton Hotel.

The Committee agreed that final arrangements for the Annual Awards Banquet be left to the Banquet Sub-Committee.

6. Mayor's Race Relations Advisory Council Report

(a) **Black-Faced Minstrel Shows**

The Committee was in receipt of a recommendation from the Mayor's Race Relations Advisory Council with regard to Black-Faced Minstrel Shows.

After discussion the Committee agreed that a positive letter be sent to the Hamilton Lions Clubs with a copy to the Lions Club International advising them that the Mayor's Race Relations Committee finds Black-Faced Minstrel shows to be racist and in poor taste and applauding the City of Hamilton Lions Clubs for not using Minstrel Shows for fundraising purposes.

7. In-House Race Relations Training

Marlene Thomas-Osbourne made a recommendation that in-service training be carried out for the Mayor's Race Relations Committee and Mayor's Race Relations Advisory Council members. However, this matter was tabled until the next meeting in order that more detail may be provided for Committee discussion.

8. Private and Confidential Agenda

The Committee then retired in camera to discuss a private and confidential matter.

Reconvening in open session, the Committee referred a private and confidential matter to the Mediation Sub-Committee Chairman for a report back at the next meeting.

9. Hamilton Mundialization Committee Annual Meeting

The Committee was in receipt of invitations to attend the Annual Meeting of the Hamilton Mundialization Committee to celebrate Hamilton's 24 years as a world city, to be held Wednesday, 1992 May 06 at 7:30 p.m. in the Council Chambers.

Invitations were circulated and 3 members hoped to attend.

10. Ebony Fashion Fair

The Committee was advised of the forthcoming Ebony Fashion Fair to be held at the Hamilton Convention Centre on Thursday, 1992 May 21 and after consideration agreed to

purchase a table of tickets as in previous years. Members of the Committee and Advisory Council are to be advised of these tickets.

11. Anti-Racism Strategy Project Grant

The Committee was advised that the Mayor's Race Relations Grant Application had been approved in the amount of $9,300.00. It was directed that this item be placed on the agenda for the next meeting for discussion.

12. Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved

Alderman F. D'Amico
Acting Chairperson
Mayor's Race Relations Committee

Stella Glover
Secretary
Mayor's Race Relations Committee

Mayor's Race Relations Committee

1992 June 17

NOTICE OF MEETING

Mayor's Race Relations Committee
Friday, 1992 June 26
4:15 o'clock p.m.
Room 219, City Hall

Stella Glover

Stella Glover
Secretary

A. DELEGATION

Ms. Evelyn Myrie, Hamilton Status of Women Sub-Committee - Proposed Joint Conference on Racism and Sexism.

AGENDA

1. Minutes of Meeting held 1992 May 22.

2. Matters Arising.

3. Mayor's Race Relations Advisory Council Report.

4. **Sub-Committee Reports:**

   (a) Budget
   (b) Committees and Commissions
   (c) Media
   (d) Mediation
   (e) Membership
   (f) Public Awareness

2 ...

5. **Correspondence:**

   (a) Ministry of Attorney General - Jury Selection Process
   (b) Canadian Human Rights Commission - Fostering Racial Harmony
   (c) Cyril Levitt - Resignation from Committee

6. Other Business.

7. Adjournment.

NOTE: If you are unable to attend the meeting, please notify the Secretary at 546-3993 at least 24 hours in advance, in order to ensure that enough members are present to form a quorum. The City Clerk's Department will no longer be conducting phone polls prior to meetings.

Friday, 1992 May 22
4:15 o'clock p.m.
Room 219, City Hall

The Mayor's Race Relations Committee met.

There were present: Mayor Robert M. Morrow, Chairperson
Marlene Thomas-Osbourne, Co-Chairperson
Alderman M. Kiss
Harish Jain
Michael Webber
Geoff Small
Mark Haas
Mel Madamba
Monty Motomura
Santokh Pooni
Sharon Bonham

Also present: Sandra Wilson, Vice-Chairperson, Mayor's Race Relations Advisory Council
Stella Glover, Mayor's Race Relations Committee

Regrets: William Shaffir

1. Introductions

Mike Webber introduced Sandra Wilson, the Vice-Chairperson of the Mayor's Race Relations Advisory Council, and asked that she sit in on the meeting in order to hear the decisions of the Committee first hand.

After consideration, the Committee **AGREED** that the Vice-Chairperson of the Advisory Council, Sandra Wilson, alternate voting privileges with the Chairperson of the Advisory Council, Mike Webber, for the current Committee term.

The Secretary is to consult with the City Clerk in order to ascertain whether this amendment to the Membership Guidelines must be adopted by City Council.

2. Minutes of Meeting

The minutes of meeting held 1992 April 24 were **ADOPTED** as presented.

3. In-House Race Relations Training

Marlene Thomas-Osbourne introduced a proposal to give In-house Race Relations Training in areas of race relations, employment equity, stereotyping, etc. to members of the Committee and Advisory Council in order to appropriately deal with problems which are brought in by the public. She suggested that these workshops start with the Membership Guidelines, race relations, definitions, dynamics, etc. Professor Jain asked where these would be held and at what cost.

It was noted that these workshops could be held at City Hall at no cost and if in-house people were used the costs would be minimal.

After consideration the Committee **AGREED** that the Chairperson of the Membership Sub-Committee, Mr. Santokh Pooni, look into In-house Race Relations Training for Committee and Advisory Council members during the summer, ascertain what is required, and resources, etc. with a view to holding such workshops in the winter months, and report back to the Committee in this regard.

4. Mediation Sub-Committee

The Chairperson of the Mediation Sub-Committee, Geoffrey Small, advised the Committee that 22 people had volunteered to sit on the Sub-Committee. It was felt that this number was too large to be practical and Mr. Small asked the Committee how this number could best be reduced to a workable number.

After discussion the Committee **AGREED** as follows:

1. That a tentative Mediation Sub-Committee be struck consisting of 11 members to deal with immediate mediation issues.

2. That the Advisory Council request the Membership Sub-Committee to deal with the question of a maximum number of members on all Sub-Committees and formulate a method of reducing the over-large numbers on Sub-Committees.

Letters are to be sent to the 11 members proposed by Mr. Small advising of the tentative membership on the Committee in order to deal with immediate mediation business until the issue of limitation on numbers on Sub-Committees is resolved.

The Committee then retired in camera to receive a confidential report from the Chairperson of the Mediation Sub-Committee.

5. Committee Reconvenes

The Committee then reconvened in open session.

6. Anti-Racism Strategy Project Grant

The Committee was in receipt of a letter from the Ministry of Citizenship advising that they had been granted an Anti-Racism Strategy Project Grant in the amount of $9,300.00.

A copy of the grant application was circulated and this matter was referred to Mel Madamba, the Budget Sub-Committee Chairperson for report back at the next meeting.

It was noted that Mrs. Madamba will work with the Public Awareness Sub-Committee with regard to this grant and Mr. Pooni will also provide assistance as he was instrumental in applying for the grant.

7. Annual Awards Banquet

Marlene Thomas-Osbourne reported that the Dinner Planning Sub-Committee had met on 1992 May 19 and had selected the Sheraton Hotel for the 1992 Banquet to be held on Wednesday, 1992 November 04. She said it was also proposed by the Dinner Planning Sub-Committee that future banquets be held in different restaurants around the City in order that the Committee get out into the community.

Harish Jain suggested that now that the Public Awareness Sub-Committee is in place the planning of the Banquet be handled by the Public Awareness Sub-Committee. After consideration the Committee AGREED that the Public Awareness Sub-Committee take over the planning of the Banquet and the Ad Hoc Dinner Banquet Committee be dissolved.

8. Other Business

The recent race riots in Toronto and Los Angeles were discussed and it was suggested that the Race Relations Committee should get out into the community and build bridges in order to avoid difficulties such as experienced by Toronto. It was pointed out that a lot of young people were without jobs and hope, and it was felt that action should be taken to nip any problems in the bud.

Harish Jain agreed that the Committee should build bridges and said he felt the fundamental cause was not law and order but lack of employment, with youth becoming frustrated with the lack of opportunities.

He suggested that the Public Awareness Sub-Committee hold a forum with the Police Chief, the Chairperson of the Police Services Board and young people to talk about what could be done to address the problem. The Mayor suggested that the Youth Advisory Committee be involved and it was further suggested that they be invited to co-sponsor this event. Professor Jain is to meet with the Mediation Sub-Committee and report back to the Committee in this regard.

9. Media Watch Sub-Committee

Concern was expressed with regard to a local radio programme, the content of which was felt to be inappropriate. The Chairperson of the Media Watch Sub-Committee and the Mayor are to invite representatives of the station to a meeting in order to discuss this problem.

10. Ebony Fashion Show

Marlene Thomas-Osbourne thanked the Committee for their support of the Ebony Fashio Show and thanked the Mayor personally for arranging for a reception for the models.

11. Caribbean Potpourri

The Committee was advised of the Caribbean Potpourri to be held at Sherwood Secondary School on May 23 at 7:00 p.m.

12. Adjournment

There being no further business the meeting then adjourned.

Taken as read and approved.

Mayor Robert M. Morrow
Chairperson
Mayor's Race Relations Committee

Marlene Thomas-Osbourne
Co-Chairperson
Mayor's Race Relations Committee

Stella Glover
Secretary
Mayor's Race Relations Committee

Ontario

JUN 12 1992

5(a)

Office of the Minister

Cabinet du ministre

Ministry of the Attorney General

Ministère du Procureur général

720, rue Bay
Toronto (Ontario)
M5G 2K1

416/326-4000

Mayor Robert M. Morrow, Co-Chairman
Hamilton Mayor's Race Relations
Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Morrow:

As you may know, on May 7, 1992, I announced a 60-day review of the jury selection process in Ontario. The purpose of this review is to ensure that people who get called for jury duty reflect the diversity of the community as much as possible.

As part of the review, I would very much like to have the benefit of your views on a number of issues which are outlined in the attached questionnaire.

A preliminary report will be prepared for July 7, 1992, focusing on a variety of technical issues. However, further consultation will be undertaken before any decisions on possible reforms are made. If you have views which you wish to provide before July 7, we would be pleased to consider them at this time. If you are unable to do so, please submit your response to the questionnaire at your earliest convenience, and in any event by August 15, so we can consider it as part of our consultation on this issue.

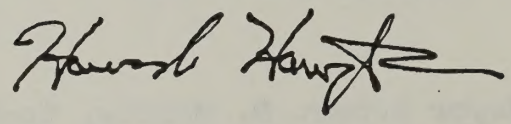
Please send your response to:

Susan Charendoff
Policy Development Division
7th Floor, 720 Bay Street
Toronto, Ontario
M5G 2K1

Should you have any questions or concerns, or if you would like to discuss this further, please feel free to contact Susan Charendoff (326-2511) or John Twohig (326-4673) of the Policy Development Division.

Your input would be extremely valuable, and we look forward to hearing from you.

Yours very truly,



HOWARD HAMPTON
Attorney General

JURY SELECTION PROCESS

The following chart describes the jury selection process in Ontario:

1. NAMES RANDOMLY SELECTED FROM MINISTRY OF REVENUE PROVINCIAL DATABASES

Potential jurors are selected at random by computer from Ministry of Revenue provincial databases** , that are maintained for property assessment, municipal elections and jury selection purposes. Trial districts request the number of names they require to be selected in each district. In the trial district of Toronto, for example, about 30,000 names are selected each year as potential jurors. The primary selection criteria is that individuals must be over 18 and Canadian citizens.

2. JURY QUESTIONNAIRES SENT

Each person whose name is selected is sent a "jury questionnaire", which determines if a person qualifies to be a juror. Recipients are required to mail back their questionnaires to the local Sheriff, who reviews them to determine who qualifies. Among other qualifications, a person speak and understand English (and in some cases, French as well).

3. JURY ROLL PREPARED

People who qualify to serve as jurors become part of a list prepared by the Sheriff, known as the "jury roll".

4. JURY PANEL SUMMONED

If a jury is needed for upcoming trials, the Sheriff randomly selects approximately 150 people from the jury roll and summonses them to court. This group of prospective jurors is known as the "jury panel".

5. JURY CHOSEN

From the jury panel, the actual members of a jury are chosen by lawyers at a trial. In criminal trials there are 12 jury members. The federal government, through the Criminal Code, regulates the selection of the 12 jury members in criminal trials. In civil trials there are 6 jury members.

**NOTE: The primary source of names is the municipal enumeration process conducted every three years. In the case of property owners, the database is updated daily. The sources for tenant updates are primarily occupancy questionnaires mailed to new owners, and school support changes. (Until 1990, an annual enumeration was done for tenants. However, it was discontinued due to the expense involved).

QUESTIONNAIRE

1. Federal law currently provides that a person must be a Canadian citizen to be eligible for jury duty.

   Should residents of Ontario who are not yet citizens be eligible for jury duty? Why?

2. The purpose of the random selection of potential jurors is to ensure that the jury panel represents a cross-section of the whole community. Yet, some concern has been expressed that the process may result in jury panels, from which juries are chosen, that do not adequately mirror the diversity of the community they represent.

   a) Are you aware of information and education about jury service in your community? If so, are the materials available about jury service culturally sensitive?

   b) Are there more steps that need to be taken to ensure that racial and cultural minorities, aboriginal persons and persons with disabilities can serve as jurors?

   c) Are there any barriers which may make people unable or reluctant to respond to jury questionnaires and/or serve on juries?

   d) Do you have any suggestions about how members of the community might be encouraged to participate in the jury process?

3. Jurors are paid an expense allowance of $2.75 per day (or if they live outside the city where the trial is being held, 29 or 29.5 cents per kilometre) for the first 10 days of jury service. After 10 days, in addition to the expense allowance, jurors are paid a fee of $40 per day. After 49 days, they are paid $100 per day.

   Many employers pay jurors their wages during jury service, although this is not required by law.

   a) Do the present methods of paying jurors or the lack of wage protection dissuade certain persons from responding to jury notices?

   b) Should the law require employers to pay jurors their wages for the complete term of jury service, or alternatively, should employers be required to pay jurors' wages for a limited term of jury service (e.g. 3-5 days), after which the government would be responsible for paying jurors fees?

   c) Should there be different wage protection requirements for small and large employers?

   d) Can you suggest alternative ways that jurors might be compensated for jury duty (e.g. child care provision)?

4. Do you have any other concerns or comments?

5(c)

McMASTER UNIVERSITY
Department of Sociology
1280 Main Street West, Hamilton, Ontario, Canada L8S 4M4
Telephone: (416) 525-9140 Ext. 4481
Fax: (416) 527-0100

Mayor Robert Morrow
c/o Stella Glover
Mayor's Race Relations Advisory Council
City Hall,
Hamilton, Ontario L8N 3T4

May 29, 1992

Dear Mayor Morrow,

Regretfully I am forced to resign from your Race Relations Advisory Council. I have been awarded a research fellowship by the Social Sciences and Humanities Research Council of Canada to conduct research in Israel. In addition, I have been offered a position as Visiting Professor at the Hebrew University in Jerusalem for the academic year 1992-93. Although I am sorry that I will not be able to serve the City of Hamilton in the coming year, I look forward to a possible future participation in the important work of the Council.

Wishing you and the Council every success for the coming year.

Sincerely,

Cyril Levitt

Cyril Levitt
Professor

P.S. I have asked Praeger Publishers in New York to forward to you a copy of my forthcoming co-edited volume on racial incitement and the law.

copy to Chairperson, Co-Chairperson & File, Mayor's Race Relations Ctte. 92/06/10.jt

Canadian Human Rights Commission
Commission canadienne des droits de la personne

JUN 11 1992

5(b)

May 27, 1992

JUN - 3 1992

Ms. Doreen Johnson
Mayor Race Relations Committee
City of Hamilton
City Hall
Hamilton, Ontario

Dear Ms. Johnson:

On 6 May 1992, I wrote to Mr. Keith Rielly, Director of Education, Hamilton School board regarding a number of telephone calls which were received in our office from several concerned citizens over a decision by the authorities of Hill Park Secondary School, in Hamilton, to stage a play based upon the highly controversial book, Huckleberry Finn, by Mark Twain.

As you are aware this book has been the source of much controversy in the Kitchener/Waterloo area. It has now been withdrawn from school libraries by the Kitchener/Waterloo School Board. Also, quite recently in Simcoe concern was raised over plans by a Kinsmen Club to stage a minstrel show which is viewed as degrading to black people.

In the former case, it is not clear from the Director's reply whether any steps were taken to address the issue or discourage a possible repetition of such an event.

Recent events in our Province has underscored the need for citizens in a multi-racial, multi-cultural society to demonstrate a greater degree of sensitivity and acceptance towards persons who are different than themselves.

As one step pursuant to fostering and encouraging racial harmony, I respectfully wish to request that the concerns which I have outline above be inscribed in the Agenda of the next meeting of the Mayor's Race Relations Committee.

Yours sincerely,

Mervin Witter
Director
Ontario Region

MW/PAR/wr

200-1235 Bay Street, Toronto, Ontario M5R 3K4
200-1235 rue Bay, Toronto (Ontario) M5R 3K4

Mayor's Race Relations Committee

1992 September 17

NOTICE OF MEETING

Mayor's Race Relations Committee
Friday, 1992 September 25
4:15 o'clock p.m.
Room 219, City Hall

Stella Glover
Secretary

NOTE: Your attendance is important. If you are unable to attend, please call the Secretary at 546-3993.

AGENDA

1. Minutes of Meeting held 1992 June 26 (attached)

2. Mayor's Race Relations Advisory Council Report.

3. **Sub-Committee Reports:**

   (a) Budget
   (b) Committees and Commissions
   (c) Media (attached)
   (d) Mediation
   (e) Membership
   (f) Public Awareness

4. Committee Meeting Day and Time - **Marlene Thomas-Osbourne**

2 ...

5. Hamilton-Wentworth Regional Police Employment Equity Programme (Previously distributed)

6. **Correspondence:**

   (a) Canadian Human Rights Commission - Fostering Racial Harmony (attached)
   (b) Task Force on Race Relations & Policing - Interim Report (attached)
   (c) Minister of Justice and Attorney General of Canada - Discussion Paper (attached)

Friday, 1992 June 26
4:15 o'clock p.m.
Room 219, City Hall

The Mayor's Race Relations Committee met.

There were present: Mayor R.M. Morrow, Chairperson
Marlene Thomas-Osbourne, Co-Chairperson
Mel Madamba
William Shaffir
Sharon Bonham
Monty Motomura
Geoffrey Small
Sandra Wilson
Michael Webber

Regrets: Alderman M. Kiss - vacation
Alderman F. D'Amico
Harish Jain ← Racist Bigot
Mark Haas
Santokh Pooni

Also present: Stella Glover, Mayor's Race Relations Committee Secretary

1. Proposed Joint Conference on Racism and Sexism

The Chairman introduced Evelyn Myrie, the Chairperson of the Status of Women Sub-Committee, who proposed a jointly sponsored conference to deal with the issue of racism and sexism in the workplace. Ms. Myrie suggested that such workshop take place in January, 1993 and that the Anti-Racism Secretariat and the Ontario Women's Directorate could be approached for funding. She said she was looking at $20,000.00 for a one day event to bring employers together.

Ms. Myrie suggested that the project look at employment equity to see how it was working and to help employers to integrate women and visible minorities into the workforce in a fair and equitable way. She proposed a working committee be struck from the Mayor's Race Relations Committee and the Status of Women Sub-Committee and was looking for a commitment from the Committee and for an ad-hoc committee to be struck to work out details in terms of theme, venues and all the planning stages.

The Chairperson thanked Ms. Myrie for her presentation and the Committee **AGREED** as follows:

> That the proposal for a joint conference on racism and sexism be referred to the Public Awareness Sub-Committee for implementation.

2. Minutes

The minutes of meeting held 1992 May 22 were **ADOPTED** as presented.

3. Matters Arising

(a) Inclusion of Vice-Chairperson of M.R.R.A.C. at M.R.R.C. Meetings

The Committee was in receipt of an opinion from the City Clerk in response to their question whether the inclusion of the Vice-Chairperson at Mayor's Race Relations

Committee meetings would necessitate an amendment to the Guidelines adopted by City Council.

After consideration the Committee **AGREED** as follows:

> That the motion passed by the Mayor's Race Relations Committee at its meeting held 1992 May 22 as follows:
>
> "That the Vice-Chairperson of the Advisory Council alternate voting privileges with the Chairperson of the Advisory Council for the current Committee term", be
>
> amended to read:
>
> "That the Vice-Chairperson of the Mayor's Race Relations Advisory Council is authorized to attend all meetings of the Mayor's Race Relations Committee, voting to be limited to only one member, either the Chairperson or the Vice-Chairperson of the Advisory Council".

It was noted that the foregoing amended motion would not require an amendment to the Guidelines.

4. <u>Mayor's Race Relations Advisory Council Report</u>

Michael Webber reported for the Mayor's Race Relations Advisory Council and said that a moment of reflection had been incorporated into the meetings of the Advisory Council. He said recommendations with regard to the Sub-Committee membership had been referred to the Membership Sub-Committee and, in the meantime, Geoff Small had been authorized to continue with the tentative Mediation Sub-Committee members.

Mr. Webber said the Advisory Council had been advised of the letter of resignation which had been received from Cyril Levitt and of the Fourth Jamaican Independence Celebration. He said the Advisory Council had also been advised of the Deputy Chief position with the Hamilton-Wentworth Regional Police and of the new Job Strategy for Youth with the focus on the black community.

Ms. Thomas-Osbourne reported that the Job Strategy Programme had received a great response and that the Region, School Boards, Hospitals, Police and the public sector had come through with job openings as well as a large number of single employers who were hiring one student. At this point, Sharon Bonham advised the Committee of a Federal job programme for native youth which was currently being accessed by the Indian Centre.

Mr. Webber advised of concerns expressed by the Advisory Council with regard to a radio programme which he said was being addressed by the Media Sub-Committee.

The Committee then **AGREED** to receive the report of the Mayor's Race Relations Advisory Council as presented.

5. <u>Sub-Committee Reports:</u>

(a) Budget

Mel Madamba, Chairperson of the Budget Sub-Committee, reported and referred to the Ontario Anti-Racism grant of $9,300.00. She said she had consulted with the past members of the Committee who had applied for the grant, together with the representative of the

Ontario Anti-Racism Secretariat who had pointed out that the money could not be used for food and that room rentals should also not be included.

Ms. Madamba said the appropriation for the year was $12,880.00 and that the amount of $785.55 was carried over from last year, making an overall total balance in the account of $22,068.88.

The Committee then discussed a policy for refreshments at meetings of the Mayor's Race Relations Sub-Committees and it was **AGREED** as follows:

> That refreshments for Sub-Committee meetings of the Mayor's Race Relations Committee consist of fruit, vegetable and cheese trays and cookies.

The Committee then adopted the report of the Budget Sub-Committee Chairperson as presented.

(b) Committees and Commissions

Bill Shaffir, Chairperson of the Committees and Commissions Sub-Committee advised that there was nothing to report from this Sub-Committee.

(c) Media

The Chairperson of the Media Sub-Committee sent his regrets, having been detained at work. Copies of the minutes of the Media Sub-Committee meeting held 1992 May 28 were circulated together with a proposed mandate for the Media Sub-Committee. After consideration the Committee **AGREED** as follows:

1. That the minutes of the Media Sub-Committee meeting held 1992 May 28 be adopted.

2. That the draft mandate of the Media Sub-Committee be referred to the next meeting of the Mayor's Race Relations Committee for consideration.

(d) Mediation

The Committee then retired in camera to receive the Mediation Sub-Committee report.

(e) Membership

The meeting resumed in open session and the Committee received regrets from the Chairperson of the Membership Sub-Committee. It was noted that the matter of the numbers on Sub-Committees had been referred to the Membership Sub-Committee and a report and recommendations would be forthcoming.

(f) Public Awareness

The Committee was in receipt of the minutes of the Public Awareness Sub-Committee meeting held 1992 June 10.

Monty Motomura, the Vice-Chairperson of the Public Awareness Sub-Committee, presented a report in the absence of the Chairperson, Harish Jain. Mr. Motomura advised of the forthcoming Annual Banquet to be held at the Sheraton Hotel on Wednesday, November 04. He said suggestions had been made that school children could make table decorations in a race relations theme, a poster contest was being considered and the Awards categories were to be increased by adding a School Award where an award would go to a particular school that was doing much in the way of promoting racial harmony. As a result, the Sub-Committee was to write up criteria for the different Awards.

Mr. Motomura asked for a budget of $7,500.00 for the Mayor's Race Relations Banquet and stated that the previous year's Banquet had cost a little over $7,000.00 and it was anticipated that budget items would be similar to last year's prices.

After consideration the Committee **AGREED** as follows:

1. That a budget of $7,500.00 be approved for the Public Awareness Sub-Committee for the Mayor's Race Relations Committee dinner expenses.

2. That the minutes of the Public Awareness Sub-Committee be adopted as presented.

6. Correspondence

(a) Ministry of the Attorney General

The Committee was in receipt of a questionnaire from the Ministry of the Attorney General with regard to the jury selection process. It was **AGREED** that the Committee members would complete the questionnaire and return to the Secretary by July 10 for forwarding to the Ministry of the Attorney General.

(b) Canadian Human Rights Commission

The Committee **AGREED** that the correspondence from the Canadian Human Rights Commission with regard to fostering racial harmony be tabled and placed on the Agenda for the next Mayor's Race Relations Committee meeting.

(c) Resignation

The Committee was in receipt of the letter of resignation from Mr. Cyril Levitt due to Mr. Levitt's being awarded a research fellowship to conduct research in Israel for the academic year 1992-93. The Committee **AGREED** that the resignation of Mr. Cyril Levitt from the Mayor's Race Relations Committee be referred to the Membership Sub-Committee to fill this position.

7. Other Business

Marlene Thomas-Osbourne suggested that the Friday meeting dates be changed to a day sometime during the week because Fridays were a difficult time for meetings. The Committee was in agreement with this suggestion and referred the matter to the next meeting of the Mayor's Race Relations Committee for discussion.

8. **Adjournment**

There being no further business, the meeting then adjourned.

Taken as read and approved.

Marlene Thomas-Osbourne
Vice-Chairperson
Mayor's Race Relations Committee

Mayor R.M. Morrow
Chairperson
Mayor's Race Relations Committee

Stella Glover
Secretary
Mayor's Race Relations Committee

3 (c)

PROPOSED MANDATE FOR MEDIA SUB-COMMITTEE

(FOR DISCUSSION)

1. Receive complaints, investigate, mediate as appropriate, and make recommendations to the Mayor's Race Relations Committee in matters relative to race relations and ethnic issues.

2. To familiarize ourselves with the presentation of race and ethnic relations in the local media.

3. To take a proactive approach in promoting awareness in racial and ethnic concerns.

4. To promote the mandate of the Mayor's Race Relations Committee in the media with the approval of the Mayor's Race Relations Committee as a whole.

* The Committee may make changes to this mandate as required

copy to Chairperson, Co-Chairperson & File, Mayor's Race Relations Ctte.

Canadian Human Rights Commission
Commission canadienne des droits de la personne

6(a)

May 27, 1992

Ms. Doreen Johnson
Mayor Race Relations Committee
City of Hamilton
City Hall
Hamilton, Ontario

Dear Ms. Johnson:

On 6 May 1992, I wrote to Mr. Keith Rielly, Director of Education, Hamilton School board regarding a number of telephone calls which were received in our office from several concerned citizens over a decision by the authorities of Hill Park Secondary School, in Hamilton, to stage a play based upon the highly controversial book, Huckleberry Finn, by Mark Twain.

As you are aware this book has been the source of much controversy in the Kitchener/Waterloo area. It has now been withdrawn from school libraries by the Kitchener/Waterloo School Board. Also, quite recently in Simcoe concern was raised over plans by a Kinsmen Club to stage a minstrel show which is viewed as degrading to black people.

In the former case, it is not clear from the Director's reply whether any steps were taken to address the issue or discourage a possible repetition of such an event.

Recent events in our Province has underscored the need for citizens in a multi-racial, multi-cultural society to demonstrate a greater degree of sensitivity and acceptance towards persons who are different than themselves.

As one step pursuant to fostering and encouraging racial harmony, I respectfully wish to request that the concerns which I have outline above be inscribed in the Agenda of the next meeting of the Mayor's Race Relations Committee.

Yours sincerely,

Mervin Witter
Director
Ontario Region

MW/PAR/wr

200-1235 Bay Street, Toronto, Ontario M5R 3K4
200-1235 rue Bay, Toronto (Ontario) M5R 3K4

Ontario

Task Force on
Race Relations
and Policing

Groupe d'étude
entre la police et les
minorités raciales

9th Floor
P.O. Box
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Toll Free
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(416) 314-0920

Fax/Télécopieur
(416) 325-4836

SEP 15 1992

6(b)

September 10, 1992

Mayor Robert M. Morrow
Co-Chairman
Hamilton Mayor's Race Relations Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mayor Robert M. Morrow:

In his June 9th, 1992 report to the Premier, Stephen Lewis recommended that the Task Force on Race Relations and Policing be recalled. As you are aware, the Task Force originally reported in 1989 with a set of fifty-seven recommendations. The Terms of Reference of the reconstituted Task Force on Race Relations and Policing are to:

1. Assess the current status of implementation of the Race Relations and Policing Task Force (1989) recommendations;

2. Identify and comment on recommendations which have not been implemented;

3. Suggest precisely how the government should proceed; and,

4. Make further recommendations as appropriate.

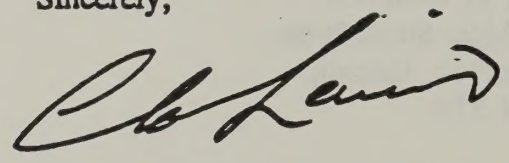
Since being recalled, the Task Force has engaged in limited community consultation and has issued two interim reports. The first interim report deals with police use of force. The second interim report calls for the establishment of a Board to monitor and review police and racial minority relations. We are pleased to enclose a copy of each of the interim reports, in addition to corresponding press releases.

The Task Force will present its final report in mid-October. There are a number of issues not specifically dealt with in the interim reports which must be addressed by the Task Force in its final report, in areas including race relations training, employment equity, the establishment of a police central recruiting unit, community policing, and the mandate of a special investigations unit.

We encourage you to submit written comments on these and related issues. Written comments may be faxed to 325-4836 or submitted in writing to the following address:

Task Force on Race Relations and Policing
9th Floor, 595 Bay Street
P.O. Box 23
Toronto, Ontario
M5G 2C2

Sincerely,



Clare Lewis
Chair
Task Force on Race Relations and Policing

CL:cah
Encl.

The Task Force on Race Relations and Policing

Interim Report

Response to Proposed Regulations Under the Police Services Act

USE OF FORCE / CODE OF CONDUCT

and the

June 16, 1992 Annotated Regulations Position Paper

of the

Ministry of the Solicitor General

To: The Solicitor General of Ontario

August 10, 1992

The Task Force on Race Relations and Policing

Members of the Task Force as appointed by the Solicitor General:

Clare Lewis - Chair

Dr. Ralph Agard

Chief of Police, James Harding

NEWS RELEASE

TASK FORCE CALLS FOR IMPROVED ACCOUNTABILITY FOR POLICE USE OF FORCE.

August 10, 1992

TORONTO – The Task Force on Race Relations and Policing, recalled by the Provincial Government, has recommended greater restrictions on police use of force, and increased accountability requirements for officers.

In its first interim report, the Task Force responded to a number of draft regulations under the Police Services Act proposed by the Ministry of the Solicitor General, including the filing of reports by police officers when they draw or discharge their firearms.

The Task Force urges the Solicitor General to limit the use of deadly force by police to the protection of life, by deleting the phrase "or serious bodily harm" from Section 8 of the proposed regulations. "It's the view of the Task Force that the more precise restriction is necessary to ensure that police draw and discharge weapons only when absolutely necessary", said Task Force Chair Clare Lewis. The Task Force made a similar recommendation in its 1989 study. "If the government decides to retain its original, broader definition," explained Lewis, "the Task Force recommends that Ministry standards be established and situational shooting and tactical training for police be improved to ensure the safety of both police and the public."

On the issue of accountability, the Task Force recommends that reports be filed whenever a gun is drawn in the presence of a member of the public and whenever a gun is fired. The Task Force contends it is unrealistic to believe that a competently trained police officer will be deterred from drawing or discharging a firearm because of a reporting requirement. The circumstances, not the subsequent paperwork, will dictate the need and the conduct. Further, the Task Force suggests that use of force reports be filed whenever physical force is used on a member of the public. It does not agree with the Ministry's position that those reports only be filed in cases when injuries occur requiring medical attention.

In response to other draft regulations, the Task Force:

- Cautions the Ministry to give careful study as to whether or not to authorize the use of aerosol weapons as an alternative to the use of deadly force. If authorized, the Task Force supports the Ministry's position that requires written reports when such weapons

are used, and further advises that the Ministry establish standards for their safe use.

- Supports the proposed addition to the new Code of Conduct for police that racially-prejudiced behaviour be a disciplinary offence. The Task Force urges the Solicitor General to complete expeditiously the Ministry policy on race relations for police services and, by regulation, it be the model for required race relations policies for all police forces.

- Endorses the Solicitor General's intention to expand use of force training and suggests the Ministry implement repeated training sessions to further reduce unnecessary use of force. The Task Force warns that sufficient government funding is crucial if comprehensive training is to be realized.

- Recommends that the Ministry of the Solicitor General eliminate the use of the carotid restraint by police in Ontario. It is the view of the Task Force, based on ample medical evidence, that it is extremely dangerous and potentially lethal. Considered by some police forces as an accepted less-than-lethal technique, it is with concern that the Task Force notes that the use of the carotid restraint is still taught at the Ontario Police College.

The Task Force again cautions the Ontario Government of the urgent need to continue to press the Federal Government for an amendment to Section 25 (4) of the Criminal Code of Canada. The so-called "fleeing felon" provision, which permits use of lethal force in the apprehension of persons fleeing lawful arrest, seriously undermines the intent of the Government of Ontario to limit police use of lethal force to defence of life.

The Task Force on Race Relations and Policing will be issuing at least one further interim report on monitoring mechanisms for race relations and policing before its final report to government this fall.

- 30 -

CONTACTS: Clare Lewis
Police Complaints Commissioner
(416) 314-0920

John Yoannou
Communications Co-ordinator
Office of the
Police Complaints Commissioner
(416) 325-4848

Ce document est aussi disponible en français

Table of Contents

- Use of Force -

Introduction

The Task Force made several recommendations in 1989 regarding police use of force. The Government of Ontario has responded to these recommendations in a number of ways through the proposed regulations regarding Use of Force pursuant to the **Police Services Act**. The Task Force reported on April 11, 1989. These proposed regulations were released for public consultation on June 16, 1992.

In commenting on these proposed regulations, we have had the opportunity to consider the summary of views of the Committee on Public and Officer Safety and have taken them into account in arriving at our conclusions. Our seven recommendations are listed at the end of this report.

Part One - Use of Force

- A -

Use of a Police Firearm

The Task Force supports the suggested deletion of Sections 6 and 7 from proposed Regulation 790 as supportive of the intent of Task Force recommendation 25(b) and as necessary to ensure that the proposed new Sections 8 and 9 establish the entire authority vested in police officers to draw a handgun and to discharge firearms in the performance of duty. Further, we support the proposed use of the same general test for both the drawing of a handgun and the discharge of a firearm.

However, we do not support the present formulation of the test for both the drawing of a handgun and the discharge of a firearm. We continue to have concern over permitting the police to draw a handgun or to discharge a firearm when necessary to protect against "serious bodily harm." The Task Force had recommended limiting this authority to protection of life on the basis that including "serious bodily harm" created a distinction which bore little relevance in practice and which might be unduly permissive and lead to use of lethal force in less than appropriate circumstances. The inclusion of "or serious bodily harm" in proposed Section 8 continues this distinction and its potential for inappropriate use of lethal force.

1. The Task Force recommends that the words "or serious bodily harm" be deleted from Section 8 of the proposed regulation.

In 1989, the Task Force made three recommendations, 27, 28 and 29, which read as follows:

27. The Task Force recommends that more time be spent on tactical training for recruits at the Ontario Police College and that such training be examinable. An officer's on-duty performance with respect to tactical manoeuvres must be monitored and be a factor for the purposes of performance appraisal and promotional opportunities.

28. The Task Force recommends that firearms training for recruits at the Ontario Police College be improved to address more fully, through discussion and the use of computerized scenarios, the discretion afforded police officers with respect to the use of deadly force.

29. The Task Force recommends that the Ontario Police College should be given funding to enable it to provide realistic conditions for recruit firing practice.

2. The Task Force recommends that, if the words "or serious bodily harm" are not deleted from proposed Section 8 of the regulation, there is urgent need for the immediate implementation of our former recommendations 27, 28 and 29.

We are concerned that permitting use of firearms in circumstances other than when necessary for protection of life may result in misjudgment or abuse of discretion and cause unnecessary death or serious bodily harm to members of the public.

The Ministry must ensure that if it allows the permissiveness of proposed Section 8 in respect of the use of firearms in protection against "serious bodily harm", that that permission is constrained by adequate training which will support the general police obligation to preserve life.

3. The Task Force recommends that if the words "or serious bodily harm" are not deleted from proposed Section 8 of the regulation, that proposed New Section 12.4 be amended to include tactics specifically and that the detailed curriculum guidelines to be set out in Ministry standards include tactical and situational shooting training.

The Task Force wishes to express its concern that the Ministry has failed to provide situational shooting and tactical training to the required degree at the Ontario Police College. Failure to provide such adequate training is detrimental to individual officers, the police service, and the public at large.

We do not object to inclusion of the phrase "on reasonable grounds" in Section 8 of the regulation.

Further, we support entirely the inclusion of New Section 9 which addresses the Task Force recommendation 25 (a).

- B -

Use of Force Reporting

The Task Force commends and supports the Use of Force Reporting measures proposed by the Ministry in New Section 12.5 of the proposed regulation, with one exception and one caveat. We object to inclusion in New Section 12.5(1) (c) of the phrase "that results in an injury requiring medical attention." The caveat relates to dilution of the proposed New Section 12.5(1) (a) requiring reporting of the drawing of a handgun or the discharge of a firearm.

1. Reporting use of physical force

As to our objection to proposed New Section 12.5(1) (c), we maintain that a report should be required whenever an officer uses physical force on another person. The Ministry is proposing that a report be required only when such physical force "results in an injury requiring medical attention."

The Ministry argues that "because police officers routinely use very low levels of force, such as verbal persuasion, minor touching and handcuffing, it is impractical to report on the huge number of incidents of the lowest level of weaponless force which occur and do not result in injury requiring medical attention." This argument is misleading. It is obvious that "verbal persuasion, minor touching and handcuffing" are routine, insignificant, and of no

value to report; however, the argument ignores the very real uses of physical force which are in fact significant, but which fall short of causing "an injury requiring medical attention." Officers acting in the course of an arrest, for example, may engage in a considerable struggle to subdue an uncooperative person without apparent injury resulting.

It is our view that such physical force ought to be reported. Many public complaints and some civil lawsuits against the police result from just these circumstances. Early reporting of this incident is of value to both the officer and the police service. Collection and analysis of such reports will assist police management to upgrade tactical training, and to recognize officers who, by resorting to physical force inordinately, require retraining or reassignment. Use of force reports will inform police management of trends in police interaction with the community.

If reports are required whenever an officer uses physical force on another person, the Ministry can except minor touching or handcuffing. Verbal persuasion is not a use of physical force.

The proposed regulation 12.5(1) (c) would result in less reporting than many individual police forces now require.

4. The Task Force recommends that the phrase "that results in an injury requiring medical attention" be deleted from New Section 12.5(1) (c) of the proposed regulation.

If, however, the Ministry does not require a report whenever an officer uses physical force on another person, it is our view that, at a minimum, a report should be required when any force resulting in an injury is used. The words "requiring medical attention" are quite subjective. Who shall decide if the injury "requires medical attention", the police or the member of the public involved? Further, it is of value to the Ministry, to the police force, and to the public to have available information on injuries resulting from the use of force short of those requiring medical attention. A black eye or bloody nose may not "require" or receive medical attention, but be significant in terms of force liability, in terms of complaint resolution, or in terms of training assessment.

Injury resulting from police use of force is a matter of sufficient public and police managerial interest and concern to require it to be reported whether or not medical attention is required or received.

5. The Task Force recommends if the Ministry does not require a report whenever an officer uses physical force on another person, that the phrase "requiring medical attention" be deleted from New Section 12.5(1) (c) of the proposed regulation.

2. Reporting use of a firearm

With respect to our caveat, in our 1989 Report, the Task Force dealt in recommendation 35 with the issue of the reporting of police use of force. With one qualification which will be later submitted and included in Recommendation 6 of this Interim

Report, the Task Force believes that the Ministry is correct in the proposed reporting conditions set out in New Section 12.5 of the draft regulation while retaining existing Sections 10 and 11 of Regulation 790.

It was not the Task Force, however, but rather, the Police Complaints Commissioner, who is also Chair of the Task Force, who, in 1989, recommended to the Board of the Metropolitan Toronto Police Force that it amend its procedures to require that a report be filed each time an officer draws a handgun. That recommendation has been the subject of much debate and remarkable hyperbole in opposition. The Task Force supports that earlier recommendation of the Police Complaints Commissioner, and the more complex regulation proposed by the Ministry, as set out in New Section 12.5(1) (a) and (b) of the draft regulation.

Both the Ministry and police forces require the information such reporting will provide if they are to have useful knowledge of the frequency and circumstances of the drawing of handguns and the discharge of firearms, and of the use of other weapons on another person. Such information is essential to determine training needs and effectiveness, to assess trends in weapons use, to identify officers who require re-training, and to avoid future complaint and possible tragedy. Such reporting will provide police management and the public with a measure of the number of times and circumstances in which officers face what they perceive to be a reasonable apprehension of danger to life.

Opposition to reporting the drawing of handguns is usually cast in terms of the potential for such a requirement to endanger the life of an officer. However, officers in most forces are already required to report the discharge of a firearm, and no credible data or arguments suggest that such a requirement has placed an officer in danger or been an impediment to the proper use of a firearm. A properly trained officer will draw a handgun or discharge a firearm or use another weapon in appropriate circumstances. It is unrealistic to believe that a competently trained police officer will be deterred from drawing or discharging a firearm because of a reporting requirement. The circumstances, not the reporting requirement, will dictate the need and the conduct.

The Task Force is concerned, in particular, that handguns may now be drawn routinely, without senior management knowledge or control and without recourse to objectively defined criteria. A handgun which is drawn presents a real potential for harm, and that potential must be restricted to defined circumstances. The drawing of a handgun, as well as the discharge of a firearm, or the use of a weapon other than a firearm, must be accounted for.

Reports on the drawing of handguns and the discharge of firearms are important management tools. Whatever reporting formats are permitted, they must disclose sufficient information to be useful in meeting earlier mentioned goals, and must be readily retrievable. A recent amendment to the procedures of one Ontario police force permitting such reporting to be fulfilled by an entry in the officer's notebook is clearly inadequate as not being readily accessible for stated purposes. Worse, such a provision permits a police force to argue that

it has a requirement for the reporting of the drawing of a firearm when it is of little public, police force, or Ministry value. A further problem with that force's procedure is that reporting, such as it is, is required only for drawing and pointing a handgun at a person.

The Task Force had concluded that the draft reporting requirement is correct and ought not to be diluted by restricting its application to circumstances in which a handgun is pointed or, when drawn in the presence of members of the public. We continue to maintain that if a police officer draws a handgun in circumstances in which it is not pointed at another person, but when a member of the public is present, then that act must be reported. There is a general societal and police managerial interest in knowing the details of, and controlling the circumstances in which, police use their handguns in public.

However, we have reconsidered our position on requiring the reporting of the drawing of handguns when no member of the public is present. The police and community members of the Committee on Public and Officer Safety have agreed that if police draw their handguns when no member of the public is present, then no reporting of that fact should be required. For example, police may draw handguns in industrial areas at night, or upon entering premises which have been broken into. The Task Force has considered and is persuaded by the view of the Committee on Public and Officer Safety on this issue, and agrees that Section 12.5(1) (a) of the proposed regulation be amended to limit the requirement to report the drawing of a handgun to circumstances when a member of the public is present. We continue to maintain that any discharge of a firearm must be reported. Further, we urge that the Ministry make clear that any individual police force may, in its

discretion, require the reporting of any drawing of a handgun, whether or not a member of the public is present.

The Task Force does not wish to restrict the police from the drawing and discharging of firearms in warranted and defined circumstances. We do, however, believe that police management, the Ministry and the public have a need to know all occasions when firearms are used in the presence of a member of the public.

6. The Task Force recommends that Section 12.5(1) (a) of the proposed regulation not be amended, except that reporting of the drawing of a handgun need not be required if no member of the public is present.

- C -

Use of Force Training

The Task Force supports proposed Revised Section 4, and New Sections 12.2, 12.3, and 12.4 of the draft regulation as generally supportive of, and expanding upon, Task Force recommendations 27, 28, 29, 31 and 32. We agree that comprehensive, and, in our view, repeated training, more than any other measure, reduces the potential for the improper use of force by the police. Reference should be made to recommendation numbers 2 and 3 of this Interim Report. We urge the enactment of these proposed sections, but are certain that they will only have desired effect if the Ministry of the Solicitor General develops supportive

curriculum guidelines and minimum standards, and, if government provides sufficient funding to realize the proposed training and re-qualification.

- D -

Less Than Lethal Force Options

1. Aerosol Weapons

In general, the Task Force agrees with proposed New Section 12(1) and Revised Section 12.1(1). Some concern, however, arises with Revised Section 12.1(2) (b) which states:

> "The use of an aerosol weapon is permitted if the active ingredient is not a gas or chemical."

In 1989, the Task Force considered recommending the authorization of the use of aerosol sprays as an alternative to the use of deadly force. We drew back from such a recommendation even though we were examining means of providing a weapon between the baton and the firearm on the principle that an individual would not be killed if a lesser means of control were appropriate and available. However, we were not then persuaded that, if aerosol weapons were permitted, care would be exercised to ensure that their use was appropriate, safe, humane, and preferable to existing alternatives.

Such weapons are now available and being considered by the Ministry for authorized use by police forces. One is aerosol capsicum. Examples of the original concerns of the Task Force exist. Only recently, aerosol capsicum was used in Vancouver upon two men who were incorrectly suspected of a crime. The fact and circumstances of its use have been a matter of controversy. This use had a particularly deleterious effect upon those men. One may argue that the use of aerosol capsicum was preferable to death by firearm, but the event certainly illustrates a potential for yet another means by which serious abuse can occur. Aerosol capsicum was available, it was quick, and it was used. Controversy persists.

The Task Force believes that the Ministry should consider very carefully whether to proceed with the authorization of aerosol weapons, and if it does so proceed, then it must determine with full study what the risks of such weapons may be in selecting devices to be authorized. Further, if aerosol weapons are to be permitted, then the Ministry must vigorously ensure, through proposed Section 12.5(1) (b), that police forces and the Ministry itself are receiving reports of any use of those weapons on another person, that are of sufficient detail and which have sufficient follow-up to permit assessment that only appropriate and safe use is occurring. Necessary training and established standards for the use of such weapons must be provided and accounted for.

We believe that the designation and control of permitted secondary weapons should remain the subject of regulation under the **Police Services Act**, and not be merely addressed through directives, standards, and guidelines.

2. Carotid Restraint

The Task Force is concerned at the reference on page 19 of the Annotated Regulations Position Paper of June 16, 1992, to the continued use of the carotid restraint by police in Ontario as an accepted less-than-lethal technique. We note that training in the carotid restraint is still provided by the Ontario Police College, although the C.O. Bick College of the Metropolitan Toronto Police advises against its use.

The carotid restraint is an extremely dangerous and potentially lethal technique. There is ample medical and factual evidence of its danger. A municipal police officer was found guilty of misconduct for its use by a board of inquiry arising from a public complaint. While the decision on appeal of that ruling has been reserved by the Divisional Court, the medical evidence led as to the difficulty of use of the carotid restraint and its danger is compelling. It should also be noted that a police officer of another Ontario police force is now facing a manslaughter charge arising from the alleged use of the carotid restraint. We understand that the Ministry has recently been engaged in consultation and debate on the issue of the use of the carotid restraint.

7. The Task Force recommends that the Ministry of the Solicitor General move expeditiously by regulation to prohibit the use by police of the carotid restraint.

- E -

Related Issues

1. Special Investigations Unit

Task Force recommendation 36 was one of our recommendations relating to use of force. We proposed a new approach to the investigation of police shootings. A blended team was suggested by the Task Force to be composed of serving police homicide officers from forces other than that involved in the shooting together with civilian investigators independent of the Ministry of the Solicitor General. We recommended this blended format as a recognition of the need for sophisticated homicide investigative expertise, and the need for the balance provided through independent oversight by civilian investigators.

The government did not implement recommendation 36 in the manner suggested. Instead, the government created the Special Investigations Unit, as a unit of the Ministry of the Solicitor General, comprised solely of civilians and with a broader mandate than that contemplated by the Task Force. In the light of the experience of the Unit, and the earlier Task Force recommendation, the Task Force will, at a later date, make comments regarding the composition and mandate of the S.I.U.

2. Section 25(4) of the Criminal Code of Canada

Task Force recommendation 26 proposed that the Government of Ontario petition the Government of Canada to amend Section 25(4) of the **Criminal Code** to restrict its applicability to situations in which a fleeing offender poses an immediate threat of death to police officers or others. The Government of Ontario has responded favourably to the recommendation and the Ministry of the Solicitor General states that it "has made the Federal Government aware that we support changes to that section of the **Criminal Code** which allows the use of lethal force against a fleeing individual who does not present a risk to life." The Ministry further states: "The Federal Minister of Justice has indicated that she will be proposing amendments to this provision soon."

The Task Force continues to support the urgent need for amendment to Section 25(4) for the reasons stated in 1989. We urge the Government of Ontario to continue to press for speedy federal amendments of Section 25(4) in a form which will restrict police discretion in the use of lethal force to immediate defense of life in cases involving individuals fleeing lawful arrest. As a practical matter, if Section 25(4) of the **Criminal Code** is not amended as recommended, the value and impact of proposed Ontario Regulation 8 will be significantly reduced. The permissive nature of Section 25(4) is not supportive of the intent of this province to restrict police use of deadly force.

Part Two - Code of Conduct

The Task Force agrees with the proposed addition to the Code of Conduct for police officers under the existing "Discreditable Conduct" category. Proposed Sections 1(a) (i.1) and (i.2) are a welcome response to Task Force recommendation 37(a). We believe that the enactment of this proposed regulation is a necessary signal to all police officers of the importance of this issue to the public and of the paramount need for, and intent to ensure, equitable and non-discriminatory behaviour in service to the public and in relationships with police colleagues.

We understand that in response to Task Force recommendation 37(b), the Race Relations and Policing Unit of the Ministry of the Solicitor General has prepared a draft policy on race relations which will reflect police commitment in Ontario to policing for a diverse multi-racial and multicultural society. We urge that this policy by completed in the near future, and, by regulation, be the model for required race relations policies for all police forces.

Conclusion

The Task Force, with the objections and cautions noted, is generally supportive of the draft regulations on Use of Force/Code of Conduct.

Clare Lewis, Chair

Dr. Ralph Agard

Chief of Police James Harding

Recommendations

Use of Force / Code of Conduct

Use of Police Firearm

1. The Task Force recommends that the words "or serious bodily harm" be deleted from Section 8 of the proposed regulation.

2. The Task Force recommends that, if the words "or serious bodily harm" are not deleted from proposed Section 8 of the regulation, there is urgent need for the immediate implementation of our former recommendations 27, 28 and 29.

3. The Task Force recommends that if the words "or serious bodily harm" are not deleted from proposed Section 8 of the regulation, that proposed New Section 12.4 be amended to include tactics specifically and that the detailed curriculum guidelines to be set out in Ministry standards include tactical and situational shooting training.

Use of Force Reporting

4. The Task Force recommends that the phrase "that results in an injury requiring medical attention" be deleted from New Section 12.5(1)(c) of the proposed regulation.

5. The Task Force recommends if the Ministry does not require a report whenever an officer uses physical force on another person, that the phrase "requiring medical attention" be deleted from New Section 12.5(1)(c) of proposed regulation.

Reporting Use of Firearm

6. The Task Force recommends that Section 12.5(1)(a) of the proposed regulation not be amended, except that reporting of the drawing of a handgun need not be required if no member of the public is present.

Less than Lethal Force Options

7. The Task Force recommends that the Ministry of the Solicitor General move expeditiously by regulation to prohibit the use by police of the carotid restraint.

REGULATIONS TO BE DEVELOPED UNDER THE POLICE SERVICES ACT
USE OF FORCE/CODE OF CONDUCT

ANNOTATED REGULATIONS POSITION PAPER

JUNE 16, 1992

Ontario
Ministry of the Solicitor General
Ministère du Solliciteur général

APPENDIX A -- USE OF FORCE REGULATION 790

APPENDIX B -- SCHEDULE CODE OF OFFENCES REGULATION 791

SOLICITOR GENERAL'S INTRODUCTION

Public confidence is the foundation of effective community policing. Preserving the peace and preventing crime are two fundamental goals of quality policing. Furthermore, these goals must be achieved with the least risk to the police and the public.

Policing has always been a demanding job, never more so than today. No longer is the work of the police regarded as just law enforcement because police today provide many important community services.

Sometimes, in upholding the law, police must use force, even lethal force. This is the most contentious part of police work -- for the police, the public, and the suspect. However, as members of a democratic society, we define through our laws how much force is justifiable by the police, and when and how they may apply force. In the defense of the life of a person, harm or death may result to the suspect. Of utmost importance, therefore, is the need for training, accountability mechanisms, and alternatives to the use of lethal force by police officers.

The Ministry of the Solicitor General wants to consult with the police and the public on key issues surrounding the use of force by police. The Ministry has developed a draft regulation (or law) which amends the current regulation and attempts to strike the balance of providing the police with clear direction while ensuring force is only used where appropriate. Following public consultation, the regulation will be finalized and enacted. The regulation will focus on areas concerning training, accountability, and less-than-lethal force options, and is designed to be appropriate for policing in the years to come.

In order to provide a framework for dialogue on the proposed new regulation on the use of force, the Ministry has developed the attached Annotated Regulations Position Paper.

In addition, the Ministry wants to revise the existing Code of Conduct regulation for police, to ensure that it reflects the needs of our multicultural and multiracial society. The proposed changes are also included as a separate section of this Annotated Regulations Position Paper.

Your views are important to the Government. We therefore invite you, and the organization you represent, to provide the Ministry with comments and input to this document. Please send your written comments on or before July 24, 1992 to:

Attention: Use of Force/Code of Conduct Regulations
Ministry of the Solicitor General
25 Grosvenor Street, 9th Floor
Toronto, Ontario M5G 2E5

Allan C. Pilkey
Solicitor General

OVERVIEW, PART ONE - USE OF FORCE

The use of force by police officers is a safety issue for all Ontarians -- the police who are lawfully empowered to use appropriate levels of force in the fulfilment of their duty, the community, and the suspect.

The Ministry of the Solicitor General is seeking public and police input on a proposed new regulation on the use of force by police officers. This information will assist the Ministry in finalizing a new regulation.

This section of the Annotated Regulations Position Paper consists of the following:

- **What Is Meant By The Use of Force**
- **Why Public Input Is Required**
- **Rationale For Amending the Provincial Regulation On The Use of Force**
- **Differences Between The Federal and Provincial Laws**
- **Proposed New Sections to Amend the Use of Force Regulation**

  ACCOUNTABILITY MEASURES
  - The Use of A Police Firearm
  - Use of Force Reporting

  TRAINING MEASURES
  - Use of Force Training

  LESS-THAN-LETHAL FORCE OPTIONS
  - Less-Than-Lethal Force

In Ontario the duties of a police officer are listed in subsection 42 (1) of the Police Services Act. Police officers preserve the peace, prevent crimes, assist victims, apprehend criminals, lay charges, execute warrants, complete training and perform other lawful duties as assigned.

All new police officers in Ontario attend the Ontario Police College for recruit training. New police officers receive training on a wide variety of topics, including communications skills, firearms, powers of arrest, race relations, officer safety, police ethics and use of force, and federal and provincial use of force laws.

Police officers are taught to use only as much force as is necessary to bring a situation under control. If they use excessive force, they can be held criminally responsible for their actions under the Criminal Code (Canada), and may additionally be subject to internal discipline under the Police Services Act.

WHAT IS MEANT BY THE USE OF FORCE?

The Ontario Police Services Act 1990 defines the authority and responsibilities of police officers and imposes restrictions upon them in the performance of their duties.

Under the Police Services Act, police officers must preserve the peace, prevent crimes and maintain order in our communities. In performing their duties, police officers need specific authority to use, in limited circumstances, an appropriate degree of force in protecting and serving us. The law grants police officers this authority, but includes certain guidelines on the amount of force that can be used, depending on the situation.

Police are authorized to use a range of techniques to preserve the peace, prevent crimes, maintain order and apprehend suspects. These techniques can range from the mere physical presence of a police officer at a scene, to discharging a firearm as a means of protecting life.

Police officers must be trained properly to use force which is appropriate to each situation they encounter. The type of force that may be applied will vary tremendously from one situation to the next. Additionally, some situations may call for a steady progression from one type of force to another. The types of force used include:

- PRESENCE - Simply the police officer's presence in a given situation.
- VERBAL TECHNIQUES - The officer's verbal skills can either escalate or calm a situation. Negotiation and conflict resolution skills are very important when trying to defuse a situation. What police officers say, and how they say it, can have a significant bearing on a situation.
- WEAPONLESS TECHNIQUES - This type of force is used to deal with people who are trying to resist control or arrest by an officer. In these situations the officer attempts to control the subject without using any weapons. These techniques would include various pressure-point or hold techniques, punches and kicks. Weaponless techniques, when applied properly, are considered less-than-lethal types of force.
- DEVICES - This type of force involves the use of "intermediate level" weapons such as the baton and aerosol weapons.
- FIREARMS - This type of force is potentially lethal.

WHY PUBLIC INPUT IS REQUIRED

The use of force by police officers is a safety issue for the public and the police, as well as for the suspect. The public needs to know when the use of force is reasonable and justifiable. As well, the public has the right to contribute to a law which makes the police accountable for the use of their authority. The public needs to be informed about the types of accountability mechanisms for monitoring the use of force, and the scope of training which is provided by the Ministry and by police services.

The key goal for the Ministry in seeking public input is to provide an opportunity for members of the public to increase their awareness about the use of force and shape the laws that govern them.

Through public involvement in the proposed new regulation, the Ministry intends to develop a regulation that ensures police officers receive clear direction and support on the use of force. Specifically, this regulation will focus on issues such as training, accountability, and the use of less-than-lethal force options. This direction will enable police to carry out their public protection duties effectively, while ensuring that only an appropriate level of force is permitted in any particular circumstances.

RATIONALE FOR AMENDING THE PROVINCIAL REGULATION ON THE USE OF FORCE

The current provincial regulation on the use of force is outdated. It concentrates heavily on the use of firearms and does not reflect the need for accountability mechanisms or training respecting the use of force.

The new regulation will be developed with a focus on police and public safety. It must provide the police with clear authority to use force balanced with accountability mechanisms for such use. It must provide clear support for this special power through appropriate training and equipment.

A new regulation, once in effect, would apply to municipal and provincial police officers across the province.

DIFFERENCES BETWEEN THE FEDERAL AND PROVINCIAL LAWS

Currently, Ontario police officers are governed in the use of force by federal and provincial statutes. The current regulation under the Police Services Act (provincial) allows a police officer to draw and discharge a firearm to defend life or to apprehend, when other means are insufficient, a person who may cause death or serious bodily harm to another person.

At the same time, police officers are governed by the Criminal Code (federal) which allows a police officer to draw and discharge a firearm to apprehend a suspect who attempts to escape, unless escape can be prevented by less violent means. The Ministry has made the Federal Government aware that we support changes to that section of the Criminal Code which allows the use of lethal force against a fleeing individual who does not present a risk to life. The federal Minister of Justice has indicated that she will be proposing amendments to this provision soon.

Police officers who contravene the Police Services Act regulation are subject to disciplinary proceedings under the Act which can result in dismissal. A criminal charge can be laid only where the provisions of the Criminal Code have been contravened.

If you are interested in discussing the use of force as governed by the Criminal Code, please direct your comments to the federal Minister of Justice. This paper focuses on the provincial use of force regulation only.

ACCOUNTABILITY MEASURES

USE OF A POLICE FIREARM

Current Regulation

At this time, the use of a police firearm is set out in sections 6 to 9 inclusive of Regulation 790:

Section 6 — No member of a police force shall draw or display his revolver, except when it is necessary to do so in the performance of his duty.

Section 7 — No member of a police force shall threaten or attempt to intimidate any person by means of a firearm, except when necessary in the performance of the member's duty.

Section 8 — No member of a police force shall draw a revolver except if the members believes, on reasonable and probable grounds, that to do so is necessary:

(a) for the protection of the life of a person, or;

(b) for the apprehension or detention of a person who may cause death or grievous bodily harm to another person.

Section 9 — (1) No member of a police force shall discharge a firearm in the performance of duty except if the member believes, on reasonable and probable grounds, that to do so is necessary,

(a) for the defence of the life of a person;

(b) for the apprehension, when other means are insufficient, of a person who may cause death or grievous bodily harm to another person;

(c) to destroy an animal that is potentially dangerous or so badly injured that humanity dictates that its suffering be ended; or

(d) to give alarm or call for assistance in a critical situation where there is no reasonable alternative.

Commentary

The police community and the Clare Lewis Task Force Report on Race Relations and Policing support a recommendation to remove the ability to fire warning shots. The Clare Lewis Task Force Report also recommended that the provincial regulation on the drawing and discharging of a firearm be amended so that officers would be empowered to draw and discharge their firearms only in the defence of life or to call for assistance in a critical situation.

This would limit the authority of the police to:

- apprehend a person who may cause death or grievous bodily harm
- and to point a gun to threaten or intimidate.

However, sometimes it is in the public interest to stop a person who may cause death or serious bodily harm to the police officer or another person (such as in situations where it is known firearms are involved).

Proposed Regulation

There must be a balance between a police officer's decision to use force, which is potentially lethal, and the public's right to be protected from the unnecessary and excessive use of such force.

The Ministry is proposing the following changes to the sections which govern police use of firearms:

Sections 6 and 7 would be deleted from Regulation 790.

New Section — 8.A member of a police force shall not draw a handgun or discharge a firearm unless he or she believes, on reasonable grounds, that to do so is necessary to protect against the loss of life or serious bodily harm.

New Section — 8.1 Sections 3 to 8 do not apply to a member of a police force when engaged in a training exercise, target practice or ordinary weapon maintenance in accordance with the rules of the police force.

New Section — 9.Despite section 8, a member of a police force may discharge a handgun or other firearm,

(a) to call for assistance in a critical situation, if there is no reasonable alternative; or

(b) to destroy an animal that is potentially dangerous or is so badly injured that humanity dictates that its suffering be ended.

NOTE: Section 9 of the current regulation (relating to the carriage of firearms by auxiliary members of police forces) will be retained and refined to reflect other proposed changes in the body of Regulation 790.

Commentary

Section 6

It is proposed to delete section 6 of the current regulation on the basis that it is superfluous and potentially confusing. The section creates the impression that there are situations apart from those described in section 8 of the current regulation in which it is permissible to draw or display a revolver.

Section 7

It is proposed to delete this section and to combine its thrust with the general authority vested in police officers to draw, and use firearms as set out in the provisions of the proposed section 8. The police right to use a firearm to legitimately threaten or intimidate in the course of their duties for the protection of life or for the prevention of serious bodily harm to someone is implicit in the new provision. No useful purpose is served by continuing to isolate the use of firearms for purposes of intimidation from the specific authority vested in the police under the new section.

Section 8 & 9

Sections 8 and 9 of the current regulation speak to the authority of the members of a police force to draw a revolver and to discharge a firearm in the performance of duty. The sections use the same general test for both the drawing and the discharge of a firearm. That is, a firearm may be drawn (and subsequently discharged) for the protection of life or for the apprehension or detention of a person who may cause death or serious bodily harm to another person. It is proposed to combine these sections into a new section 8 and to place the focus of the new section on self-defense and on the defense of others as the justification for the use of deadly force.

Deadly force may still be used for purposes of apprehension in circumstances where it is necessary to protect against the loss of life or serious bodily harm immediately, or at some future occasion. A police officer must have reasonable grounds to believe that it is necessary to draw and discharge the firearm. Accordingly, he or she will be under a duty to determine that other techniques of preventing death or serious bodily harm are insufficient.

The language of the proposed regulation is also modernized, and such terms as "reasonable grounds" and "serious bodily harm" are used, rather than the existing regulation which uses older language such as "reasonable and probable grounds" and "grievous bodily harm."

The new regulation retains the authority of the police to use a firearm for humanitarian purposes in cases involving potentially dangerous or badly injured animals and to call for assistance, but eliminates the current authority to use a firearm to give an alarm. This practice rarely exists in Ontario any more because of the danger of stray bullets.

Other Jurisdictions

Some provinces have provisions similar to sections 6, 7, 8 and 9 of Ontario's Regulation 790. (e.g. Nova Scotia and British Columbia) On the other hand there are other provinces that have no equivalent legislation at the provincial level, but instead rely on the relevant provisions of the federal Criminal Code. Alberta, Saskatchewan and Manitoba fall into this category. Further, it must be noted that use of force by the RCMP (including RCMP officers carrying out their duties in Ontario) is also regulated by the federal Criminal Code.

Some individual police services, such as Edmonton City Police, have adopted detailed use of force guidelines that define police use of force more narrowly than the Criminal Code.

ACCOUNTABILITY MEASURES

USE OF FORCE REPORTING

Current Regulation

Currently, provisions for use of force reporting are set out in sections 10 and 11 of Regulation 790 under the Police Services Act:

Section 10

Where a member of a police force, other than the Commissioner or chief of police, unintentionally or intentionally, except on a target range or in the course of ordinary weapon maintenance, discharges his firearm, the Commissioner or the chief of police, as the case may be, shall immediately cause an investigation to be made into the circumstances.

Section 11

(1) Where a member of a police force, other than the Commissioner or the Chief of Police, by the discharge of a firearm in the performance of his duty, kills or injures another person, the Commissioner or the Chief of police, as the case may be, shall immediately cause an investigation to be made into the circumstances.

(2) The Commissioner shall submit a report of any investigation made by him under subsection (1) to the Commission and the chief of police shall submit a report on any investigation made by him to the board or, where there is no board, with the committee of council.

(3) The Commission or the board or committee of council, on receiving a report of the Commissioner or the chief of police, as the case may be, under subsection (2) shall, as soon as practicable, review the report and make such further inquiries as it considers necessary or expedient.

(4) The board or committee of council shall file with the Commission any report submitted to it by the chief of police under subsection (2), together with a report of any additional inquiries undertaken.

(5) Where the Commissioner discharges his firearm in the performance of his duty, he shall forthwith report the matter to the Commission, who shall inquire into the circumstances.

(6) Where a chief of police discharges his firearm in the performance of his duty, he shall forthwith report the matter to the board or committee of council, as the case may be, and the board or committee shall inquire into the circumstances and file a report of such inquiry with the Commission.

(7) The Commission shall inform the Solicitor General of the contents of any report filed with it under subsection (2), (4), (5) or (6) and, on his request, submit to him a copy of such report for whatever action he considers necessary.

Commentary

The current regulation requires a police officer who discharges a firearm to submit a report in order for the Chief of Police or the Ontario Provincial Police Commissioner to undertake an investigation. Only the discharge of a firearm must be reported. The drawing of a handgun, and the use of less-than-lethal force is not addressed in the regulation.

At present, many police services in Ontario already require their personnel to document in some manner the use of other types of force, either as part of an occurrence/arrest report or in a separate use of force report. Any procedures are developed locally to meet local requirements.

Proposed Regulation

The Ministry is proposing to retain sections 10 and 11 of Regulation 790 and to make the following additions to the Regulation:

New Section 12.5-(1) A member of a police force shall submit a report to the chief of police or Commissioner whenever the member,

(a) draws a handgun or discharges a firearm;

(b) uses a weapon other than a firearm on another person; or

(c) uses physical force on another person that results in an injury requiring medical attention.

(2) The report shall set out the facts surrounding the occurrence in respect of which the report is required.

(3) Subsection (1) does not apply when,

(a) a handgun is drawn or a firearm is discharged in the course of a training exercise, target practice or ordinary firearms maintenance in accordance with the rules of the police force, or the Ontario Police College;

(b) a weapon other than a firearm is used on another member of a police force in the course of a training exercise in accordance with the rules of the police force, or the Ontario Police College; or

(c) physical force is used on another member of a police force in the course of a training exercise in accordance with the rules of the police force, or Ontario Police College.

(4) The Solicitor General may require a chief of police or the Commissioner to deliver or make available to the Solicitor General a copy of a report submitted under subsection (1).

(5) Every police force shall review on a regular basis its policies on the use of force and on the training courses provided under section 12.3 having regard to the reports submitted under subsection (1).

Commentary

The proposed regulation would ensure that information concerning the entire range of police use of force is collected locally, and is available to the Ministry of the Solicitor General, if required. As much as possible, this information should be collected as part of existing reports or forms in order to minimize paperwork. However collected, the information would have to be retrievable for the purpose of the internal review requirements or to provide to the Ministry.

The proposed regulation will require that police managers collect data and monitor the number of times, and under what circumstances, firearms are being drawn and used, and less-than-lethal weapons used. The regulation also requires that police services periodically review and analyze that data to identify trends, local policy refinement needs, and training needs. This information should become an additional key component of the local management information base of all police services. The information must also be available, if required, to Ministry inspectors. Although the regulation identifies the general types of use of force for which reports must be kept, guidelines will be developed specifying the exact data to be collected.

Because police officers routinely use very low levels of force, such as verbal persuasion, minor touching and handcuffing, it is impractical to report on the huge number of incidents of the lowest levels of weaponless force which occur and do not result in injury requiring medical attention. The proposed regulation also states that reporting is not required for use of force and weapons during training or maintenance.

In retaining section 11, the Ministry, in addition to any access to and utilization it wishes to make of the information available under section 12.5, will be in receipt of all reports where discharge of a firearm results in injury or death. The Ministry will be in a position to undertake whatever analysis it wishes on this information.

Other Jurisdictions

All provinces in Canada mandate the filing of a report when a firearm is discharged. No province requires reporting the drawing of a firearm, or the use of less-than-lethal force. Some individual police services, such as Edmonton, require a report for a broad range of use of force. A few police services in the United States require full use of force reporting but it is not a legislated requirement at either the federal or state level.

Those police agencies with use of force reporting indicate that it takes 3-5 minutes to complete each use of force report.

TRAINING MEASURES

USE OF FORCE TRAINING

Current Regulation

Currently, use of force training is set out in section 4 of Regulation 790:

Section 4 — Before a firearm is issued to a member of a police force, the Commissioner or Chief of Police, as the case may be, shall satisfy himself that the member has received instruction and is competent in its use, and where there is no chief of police, the board or committee of council, as the case may be, shall so satisfy itself.

Commentary

Currently, there are no provincial standards for either use of force training for recruits, or requalification training, although research to develop these standards has commenced.

Police officers attending recruit training at the Ontario Police College receive training on a variety of use of force topics. Police officers are taught that the use of force encompasses both less-than-lethal force and lethal force. Police officers receive hands-on training in defensive tactics (less-than-lethal force) and firearms (lethal force). In addition, police recruits also receive instruction on the relevant provisions of the Police Services Act, its regulations, and the Criminal Code.

Each recruit receives 18 hours of firearms training on the principles of shooting, care and cleaning and the use of firearms. Each recruit receives approximately 16 hours on less-than-lethal force options. Each recruit will fire approximately 270 rounds of ammunition during training, and 30 rounds of ammunition during the qualification test. This firearms program only familiarizes new police officers with their firearms, and does not, in and of itself, guarantee, in every case, the highest possible degree of competence. There is also a need to review the issue of firearms proficiency in diverse simulations which approximate reality.

Police officers should be more than just familiar with the use and operation of a firearm. They should be highly proficient in all facets of their use. As well, there should be a provincial standard for mandatory training and re-qualification programs.

The Clare Lewis Task Force Report and the Greenwood Commission made recommendations that the training program at the Ontario Police College should be significantly enhanced to include training on judgement, safety, legislation, practical computerized scenarios and the discretion afforded to police officers with respect to the use of lethal force.

Furthermore, the current training has been criticized as placing too high an emphasis on lethal force, and therefore, society should not be surprised when police officers resort to the use of lethal force. Proponents of this theory believe this emphasis should be placed on alternatives to the use of such force.

There is growing evidence in police research that use of force training is the single most effective method of decreasing the incidence of improper use of force. Several recent reports and studies (including the report of the Clare Lewis Task Force on Race Relations and Policing) indicate that both recruit and requalification training in the province is seriously deficient, and need substantial improvement.

At present there are no provincial standards which would require a police officer to undergo use of force training or re-qualification at the local level, once recruit training is completed. Consequently, some police services offer excellent use of force training and requalification programs, and other police services conduct little or no use of force training or requalification programs.

Recommendations of the Clare Lewis Task Force Report and of the Greenwood Commission suggested that the requalification training programs conducted by police services should be significantly enhanced by the establishment of a realistic minimum provincial standard and each police officer in the province should be required to meet these minimum provincial standards by requalifying annually on his/her issued firearm, and other use of force options.

Proposed Regulation

The Ministry is proposing the following change to section 4 of Regulation 790 and the following additions to require enhanced use of force training:

Revised Section 4	Before a firearm is issued to a member of a police force, the Commissioner or chief of police, as the case may be, shall satisfy himself or herself that the member has successfully completed the training required by section 12.2 and is competent in the use of the firearm.
New Section 12.2	(1) A member of a police force shall not use force on another person unless the member has successfully completed a training course on the use of force.
	(2) A member of a police force shall not carry a firearm unless, during the twelve previous months, the member has successfully completed a training course on the use of firearms.

New Section 12.3 (1) Every police force shall ensure that, at least once every twelve months,

(a) every member of the police force who may be required to use force on other persons receives a training course on the use of force;

(b) every member of the police force who is authorized to carry a firearm receives a training course on the use of firearms.

(2) The police force shall maintain written records of the training courses taken by members of the police force on the use of force and the use of firearms.

New Section 12.4 The training courses referred to in sections 12.2 and 12.3 shall include training on the following matters:

1. Legal requirements

2. The exercise of judgment

3. Safety

4. Theories relating to the use of force

5. Practical proficiency

Commentary

Researchers suggest that comprehensive training, more than any other measure, reduces the improper use of force by police.

The proposed changes will enhance use of force training for recruits and annual requalification training through emphasis on judgement, theory, safety, legal requirements, and practical proficiency. These key principles will be supported by detailed curriculum guidelines which will be set out in Ministry standards.

These principles will be fundamental to recruit training. For instance, recruits will be introduced to federal and provincial legislation regarding use of force. They will complete theoretical and practical exercises to develop and understand the types of decision-making and judgment required in use of force situations. This may include experience on state-of-the-art judgment simulators. They will be taught the safe use of all force options, and the fundamentals of weapons retention and officer safety. Recruit training will include the ethics and psychology of use of force. Finally, recruits will be required to become not just familiar with the practical application of their weapons, but will be required to be highly competent. These fundamentals will also be reflected in requalification training.

Enhanced use of force training, conducted at both the recruit and requalification levels, for less-than-lethal force and lethal force, will address many of the concerns of the community about the competency of police in using force properly.

The police community strongly supports Ministry efforts to enhance and standardize use of force training. It is expected that these enhancements will increase the length of recruit training in order to accommodate improved use of force training. It is also expected that each police officer will spend a full day annually meeting provincial requalification standards.

It should be recognized that in proceeding with the proposed regulation on training, there will be cost implications for municipalities and the provincial government. The estimated increased annual cost of the improved use of force training will be less than $10 million. The increase is less than 1% of what Ontario municipalities and the Province spend annually on policing. The main expense for municipalities will relate to personnel time spent in requalification sessions. Requalification training will also have to be structured to accommodate variations in training facilities and capabilities. State of the art use of force judgment simulators, if used as part of firearms training, will be expensive for the provincial government and municipalities. Nonetheless, effective and realistic training and requalification is an essential element in the development of the skills of police officers.

Other Jurisdictions

Police use of force training varies from province to province, and within provinces. Only Newfoundland has legislated requalification standards, although many provinces have non-legislated standards. Most provinces, however, have substantially more demanding recruit and requalification standards than Ontario. For instance, police recruits in the Maritime provinces receive approximately 68 hours of use of force training and fire 800 rounds of ammunition. Maritime police officers receive periodic intensive refresher/requalification training in one week long "street survival" courses. (For the purposes of comparison, Ontario recruits receive 34 hours of use of force training during which they fire 300 rounds of ammunition. No requalification is mandated in Ontario.) RCMP recruits spend 63 hours on use of force training and fire 2400 rounds of ammunition. RCMP officers must re-qualify annually on their weapons, and spend half a day annually, firing 80 rounds of ammunition. Generally, most major police services in Canada spend close to 60 hours on use of force training for recruits, and a half-day to a day on requalification.

In the United States, use of force training varies substantially. The FBI has one of the best police use of force training programs. Recruits spend many hours in realistic training situations, involving all levels of force. They also receive intensive 'shoot-don't-shoot' decision making training. FBI recruits fire 5,000 rounds of ammunition during recruit training.

LESS-THAN-LETHAL FORCE OPTIONS

LESS-THAN-LETHAL FORCE

Current Regulation

The present regulation states:

Section 12 (1) Subject to subsection (2), no member of a police force shall use any gas or chemical weapon.

(2) The use of the substance commonly known as tear gas is permitted, provided it is not applied intentionally in concentrated form directly to the person.

Commentary

Police officers presently receive training on, and use, a range of less-than-lethal force options. These options are used to deal with violent and potentially violent situations which are not life threatening. They are not a substitute for lethal force where there is an immediate threat to life, but may in some circumstances be effective in addressing a violent situation before it escalates to a point where lethal force is necessary.

At present police in Ontario use the following less-than-lethal force weapons and techniques:

- Verbal communication
- Bare-handed intervention
- Batons
- Carotid restraint
- Special less-than-lethal weapons and techniques for tactical and other units

Most of these options have remained essentially unchanged, or have undergone only technical refinements, in the past 100 years. The existing regulation does not, however, clearly deal with non-chemical aerosol weapons.

Proposed Regulation

The ministry is proposing the following changes to the regulation governing the use of less-than-lethal force:

New Section 12.-(1) A member of a police force shall not use a weapon other than a firearm on another person unless,

(a) that type of weapon has been approved for use by the Solicitor General;

(b) the weapon conforms to technical standards established by the Solicitor General; and

(c) the weapon is used in accordance with standards established by the Solicitor General.

(2) Subsection (1) does not apply to the use of a weapon on another member of the police force in the course of a training exercise in accordance with the rules of the police force.

Revised Section 12.1-(1) Subject to subsection (2), a member of a police force shall not use any gas, chemical or aerosol weapon.

(2) Subject to section 12,

(a) the use of the substance commonly known as tear gas is permitted if it is not applied intentionally in concentrated form directly to the person; and

(b) the use of an aerosol weapon is permitted, if the active ingredient is not a gas or chemical.

Commentary

In recent years, a range of "intermediate" or non-lethal techniques or weapons have been developed. Some of these have arisen from improvements in human relations or conflict resolution techniques (such as verbal and communications techniques). Others have arisen from changes to existing weapons (such as batons). Still others have arisen from the technological development of new weapons (such as aerosol capsicum).

There is a need for the government to consider the effect of the advancement in "intermediate" weapons on policing services. In certain situations, such weapons can provide an effective and preferable alternative to the use of a firearm. On the other hand, if such weapons are to be permitted, care must be exercised to ensure that their use is safe, humane and preferable to existing alternatives.

The proposal calls for the Ministry of the Solicitor General to be responsible for determining whether to approve new classes of non-lethal weapons. Furthermore, technical standards and usage guidelines would be issued by the Ministry of the Solicitor General. The use of such standards and guidelines would permit regular revision to accommodate improvements in the applicable technology, training or usage techniques. Unacceptable classes of weapons would not be approved by the Mininstry of the Solicitor General.

The proposed changes to the sections of the regulation dealing with use of force training, will ensure that police officers receive mandatory recruit training on all less-than-lethal options approved for use, and receive requalification annually on those options.

The introduction of new and effective less-than-lethal weapon options will mean that some incidents, which now escalate to the point where lethal force is necessary, will potentially be defused before that stage is reached. Both Ontario's police and non-police communities have recently called for research, training and expanded use of non-lethal force.

Other Jurisdictions

Capsicum aerosol weapons have now been in use for a year in at least six police services in British Columbia. Edmonton and Calgary police are also using the weapons. Over 1200 police services in the United States are now using capsicum weapons. The weapons have been standard issue to FBI officers in the United States for over three years.

Tactical communications programs for police are also gaining popularity in the United States and Canada. These programs allow for the utilization of advanced verbal communication skills to defuse potentially dangerous situations.

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ANNOTATED REGULATIONS, PART TWO - CODE OF CONDUCT

OVERVIEW - CODE OF CONDUCT

Many professions in our society are governed by a professional code of conduct or industry standard. These standards not only espouse the philosophy and ethics of the profession, but also reflect the expectations of the people which they serve. These standards provide a framework for maintaining credibility and integrity when employees carry out the duties of their profession.

In a similar manner, Ontario police officers must conform to a set of rules and guidelines when carrying out their legislated mandate. For Ontario police officers, this is referred to as a Code of Conduct (see Appendix B; the Code of Conduct is referred to in the current regulation as a "Code of Offences"). The code of conduct is an ethical and legal standard establishing the way in which police officers must conduct themselves in the performance of their duties. The public must feel confident that the police are fulfilling their duties and responsibilities, in accordance with the powers vested in them to serve and protect the public, with integrity and professionalism.

Under the Police Services Act, departures from the standards expected of police officers, under the Code of Conduct, may result in disciplinary proceedings.

The disciplinary process permits police managers to correct the conduct of police officers through disciplinary measures ranging from a reprimand to dismissal. The disciplinary process can be initiated internally by a police service or as a result of a public complaint.

The Code of Conduct and the associated disciplinary process forms part of a management system which encourages professional and ethical behaviour. The code of conduct sets out that behaviour which is clearly unacceptable to the community and the police profession.

Code of Conduct

Currently, The "Code of Offences" contained in Regulation 791 - (refer to Appendix B) sets out the code of conduct requirements for police officers. The Ministry is proposing to add the following section to the Code of Conduct under the existing "Discreditable Conduct" category:

Section 1 Any Chief of police, other police officer, or constable commits an offence against discipline if he is guilty of,

(a) DISCREDITABLE CONDUCT, that is to say, if he/she;

(i.1) infringes the right of a person under section 1 of the Human Rights Code to equal treatment with respect to police services without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap,

(i.2) uses profane, abusive or insulting language that discriminates against a person on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap.

Commentary

A key principle of the Police Services Act calls for "the need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario society." It is especially critical to update the police code of conduct to cover discriminatory behaviour as an offence subject to internal discipline. The code of offences in the current Regulation 791 does not expressly make reference to this type of behaviour or conduct as an offence. Police officers who are found to have contravened the code of conduct, will be subject to internal discipline, up to and including dismissal from the police force.

On review of the current "Code of Conduct," it is clear that there is a need and opportunity to build in a more expansive standard referencing the unacceptability of any discriminatory behaviour/conduct, including discrimination on the basis of race.

The coverage of this range of unacceptable discriminatory behaviour/conduct is very much in keeping with the Human Rights Code.

The Clare Lewis Task Force Report, in noting evidence of racial discrimination and harassment by police, recommended that the Ministry of the Solicitor General develop a working definition of racially-prejudiced police behaviour and incorporate this into the code of conduct of the Police Services Act as a disciplinary offence, whether directed at visible minority persons within or outside the police force. They further recommended the development of a complementary "Police Race Relations Policy".

A Police Race Relations Policy will be developed separately, to further reiterate the intent of this section of the Code of Conduct. Furthermore police forces are required to take positive measures to eliminate internal workplace discrimination as part of their employment equity plan.

It is the intention that this regulation would apply to conduct by a police officer directed towards a member of the public or another police officer.

CONCLUSION

Public confidence is the foundation of community policing. Society has entrusted police officers with special powers and responsibilities through legislation. Society expects that police will fulfil their duties with credibility and integrity.

Through this consultation process, the Ministry of the Solicitor General will develop a regulation that ensures police officers receive clear direction and support through a revised use of force regulation and an expanded code of conduct, which specifies the standards of behaviour the community and other police officers expect and deserve.

Thank you for taking the time to respond to this Annotated Regulation Position Paper. Your contribution to helping the government shape the laws of our society is sincerely appreciated.

REGULATION 790

under the Police Act

EQUIPMENT

1. This Regulation applies to police forces established under the Act. R.R.O. 1980, Reg. 790, s. 1.

2. In this Regulation,

(*a*) "board" means a board of commissioners of police;

(*b*) "chief of police" includes an acting chief of police;

(*c*) "committee of council" means a committee composed of the head or acting head of council and two other members thereof appointed by council;

(*d*) "firearm" means a firearm as defined in section 82 of the *Criminal Code* (Canada). R.R.O. 1980, Reg. 790, s. 2.

FIREARM

3.—(1) Subject to subsections (3) and (4), where the Commissioner or chief of police carries a firearm or authorizes any member of a police force under his control or administration to carry a firearm, the firearm issued and carried shall be a .38 special calibre all-steel double action revolver, with a minimum barrel length of four inches, a safety hammer block and a swingout cylinder, and having a minimum weight of thirty ounces and a single action trigger pressure of not less than three and not more than five pounds, but the Commissioner or chief of police may authorize any policewoman on the force under his control or administration to carry a revolver of the same specifications except that the minimum weight shall be twenty-three ounces and the minimum barrel length shall be three inches.

(2) Subject to subsections (3) and (4), the ammunition supplied for and used in a firearm prescribed in subsection (1) shall be factory loaded and shall have a solid bullet of lead alloy of semi-wadcutter configuration with a muzzle velocity not exceeding 1,000 feet per second when fired in a revolver with a four-inch barrel.

(3) The Commissioner or chief of police or any other constable or police officer designated for the purpose by the Commissioner or chief of police, may authorize a member of a police force under his control to carry, for a special purpose, a firearm of a type other than that prescribed in subsection (1).

(4) Where on the 15th day of October, 1975 the members of a police force were carrying firearms of a type other than that prescribed by subsection (1), the Commission may, on such terms and conditions and for such period of time as it considers proper, authorize the continued carrying of such type of firearm. R.R.O. 1980, Reg. 790, s. 3.

4. Before a firearm is issued to a member of a police force, the Commissioner or chief of police, as the case may be, shall satisfy himself that the member has received instruction and is competent in its use, and where there is no chief of police, the board or committee of council, as the case may be, shall so satisfy itself. R.R.O. 1980, Reg. 790, s. 4.

5.—(1) A member of a police force shall carry his revolver in the holster issued to the member by the police force.

(2) The holster issued to a member of a police force shall be either,

(*a*) of a type that is covered by a full flap; or

(*b*) of a type that has been approved by the Commission for use by the members of the police force following an application by the board or, where there is no board, the committee of council.

(3) Subsection (2) does not apply to a holster that is worn concealed under clothing. O. Reg. 816/82, s. 1.

5*a*.—(1) No member of a police force shall alter or modify a firearm issued to the member, except as permitted under subsection (2).

(2) The Commissioner or chief of police or a member of the police force authorized by the Commissioner or chief of police may in writing permit an alteration or modification of a firearm issued to a member of the police force, except,

(*a*) an alteration or modification that would interfere with the safe and proper use of the firearm or of the holster in which it is carried; or

(*b*) the addition of a grip adapter, or of a trigger shoe or other device attached to the trigger. O. Reg. 364/84, s. 1.

6. No member of a police force shall draw or display his revolver, except when it is necessary to do so in the performance of his duty. R.R.O. 1980, Reg. 790, s. 6.

7. No member of a police force shall threaten or attempt to intimidate any person by means of a firearm, except when necessary in the performance of the member's duty. R.R.O. 1980, Reg. 790, s. 7.

8. No member of a police force shall draw a revolver except if the member believes, on reasonable and probable grounds, that to do so is necessary,

(a) for the protection of the life of a person; or

(b) for the apprehension or detention of a person who may cause death or grievous bodily harm to another person. O. Reg. 173/88, s. 1.

9.—(1) No member of a police force shall discharge a firearm in the performance of duty except if the member believes, on reasonable and probable grounds, that to do so is necessary,

(a) for the defence of the life of a person;

(b) for the apprehension, when other means are insufficient, of a person who may cause death or grievous bodily harm to another person;

(c) to destroy an animal that is potentially dangerous or so badly injured that humanity dictates that its suffering be ended; or

(d) to give an alarm or call for assistance in a critical situation where there is no reasonable alternative. O. Reg. 173/88, s. 2.

(2) Sections 3 to 8 and subsection (1) do not apply to a member of a police force when engaged in target practice or ordinary weapon maintenance in accordance with the regulations of the police force. R.R.O. 1980, Reg. 790, s. 9 (2).

9a.—(1) Unless otherwise directed by the board or committee of council, as the case may be, the chief of police or a superior officer, a member of a police force who is accompanying and supervising an auxiliary member of the police force may issue a firearm to the auxiliary member if the member believes, on reasonable and probable grounds, that they are entering into a situation in which it is necessary that the auxiliary member be armed,

(a) for the defence of the life of a person; or

(b) to assist in the apprehension, when other means are insufficient, of a person who may cause death or grievous bodily harm to another person.

(2) Sections 4 to 9, 10 and 11 apply to every auxiliary member to whom a firearm is issued under subsection (1). O. Reg. 173/88, s. 3.

10. Where a member of a police force, other than the Commissioner or chief of police, unintentionally or intentionally, except on a target range or in the course of ordinary weapon maintenance, discharges his firearm, the Commissioner or chief of police, as the case may be, shall immediately cause an investigation to be made into the circumstances. R.R.O. 1980, Reg. 790, s. 10.

11.—(1) Where a member of a police force, other than the Commissioner or chief of police, by the discharge of a firearm in the performance of his duty, kills or injures another person, the Commissioner or chief of police, as the case may be, shall immediately cause an investigation to be made into the circumstances.

(2) The Commissioner shall submit a report of any investigation made by him under subsection (1) to the Commission and the chief of police shall submit a report on any investigation made by him to the board or, where there is no board, with the committee of council.

(3) The Commission or the board or committee of council, on receiving a report of the Commissioner or the chief of police, as the case may be, under subsection (2) shall, as soon as practicable, review the report and make such further inquiries as it considers necessary or expedient.

(4) The board or committee of council shall file with the Commission any report submitted to it by the chief of police under subsection (2), together with a report of any additional inquiries undertaken.

(5) Where the Commissioner discharges his firearm in the performance of his duty, he shall forthwith report the matter to the Commission, who shall inquire into the circumstances.

(6) Where a chief of police discharges his firearm in the performance of his duty, he shall forthwith report the matter to the board or committee of council, as the case may be, and the board or committee shall inquire into the circumstances and file a report of such inquiry with the Commission.

(7) The Commission shall inform the Solicitor General of the contents of any report filed with it under subsection (2), (4), (5) or (6) and, on his request, submit to him a copy of such report for whatever action he considers necessary. R.R.O. 1980, Reg. 790, s. 11.

GAS AND CHEMICAL WEAPONS

12.—(1) Subject to subsection (2), no member of a police force shall use any gas or chemical weapon.

(2) The use of the substance commonly known as tear gas is permitted, provided it is not applied intentionally in concentrated form directly to the person. R.R.O. 1980, Reg. 790, s. 12.

MOTOR VEHICLES

13. No member of a police force shall use a subcompact motor vehicle for the purpose of general police patrol. O. Reg. 336/81, s. 1.

Schedule

CODE OF OFFENCES

1. Any chief of police, other police officer or constable commits an offence against discipline if he is guilty of,

(*a*) DISCREDITABLE CONDUCT, that is to say, if he,

(i) acts in a disorderly manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force,

(ii) is guilty of oppressive or tyrannical conduct towards an inferior in rank,

(iii) uses profane, abusive or insulting language to any other member of a police force,

(iv) wilfully or negligently makes any false complaint or statement against any member of a police force,

(v) assaults any other member of a police force,

(vi) withholds or suppresses a complaint or report against a member of a police force,

(vii) is guilty of an indictable offence or an offence punishable upon summary conviction under the *Criminal Code* (Canada), or

(viii) contravenes any provision of the *Police Act* or the regulations;

(*b*) INSUBORDINATION, that is to say, if he,

(i) is insubordinate by word, act or demeanour, or

(ii) without lawful excuse, disobeys, omits or neglects to carry out any lawful order;

(*c*) NEGLECT OF DUTY, that is to say, if he,

(i) without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force,

(ii) idles or gossips while on duty,

(iii) fails to work in accordance with orders, or leaves an area, detachment, detail or other place of duty, without due permission or sufficient cause,

(iv) by carelessness or neglect permits a prisoner to escape,

(v) fails, when knowing where an offender is to be found, to report him or to make due exertions for bringing him to justice,

(vi) fails to report a matter that it is his duty to report,

(vii) fails to report anything that he knows concerning a criminal or other charge, or fails to disclose any evidence that he, or any person within his knowledge, can give for or against any prisoner or defendant,

(viii) omits to make any necessary entry in any official document or book,

(ix) feigns or exaggerates sickness or injury to evade duty,

(x) is absent without leave from or late for parade, court or any other duty, without reasonable excuse, or

(xi) is improperly dressed, dirty or untidy in person, clothing or equipment while on duty;

(*d*) DECEIT, that is to say, if he,

(i) knowingly makes or signs a false statement in an official document or book,

(ii) wilfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or

(iii) without lawful excuse destroys or mutilates an official document or record or alters or erases an entry therein;

(*e*) BREACH OF CONFIDENCE, that is to say, if he,

(i) divulges any matter which it is his duty to keep secret,

(ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the

lawful execution of such warrant or service of such summons,

(iii) without proper authority communicates to the public press or to any unauthorized person any matter connected with the police force,

(iv) without proper authority shows to any person not a member of the police force or any unauthorized member of the force any book, or written or printed paper, document or report that is the property of the police force,

(v) makes any anonymous communication to the chief of police or superior officer or authority,

(vi) canvasses, except as authorized by the Act or the regulations, any person in respect of a matter concerning the police force,

(vii) signs or circulates a petition or statement in respect to a matter concerning the police force, except through the proper official channel or correspondence or established grievance procedure, or

(viii) calls or attends any unauthorized meeting to discuss any matter concerning the police force;

(*f*) CORRUPT PRACTICE, that is to say, if he,

(i) takes a bribe,

(ii) fails to account for or to make a prompt, true return of money or property received in an official capacity,

(iii) directly or indirectly solicits or receives a gratuity, present, pass, subscription or testimonial without the consent of the chief of police,

(iv) places himself under a pecuniary or other obligation to a licensee concerning the granting or refusing of whose licence a member of the police force may have to report or give evidence,

(v) improperly use his character and position as a member of the police force for private advantage,

(vi) in his capacity as a member of the police force writes, signs or gives, without the consent of the Chief of Police, a reference or recommendation to a member or former member of the police force, or any other police force, or

(vii) without the consent of the chief of police, supports in any way an application for a licence of any kind,

(*g*) UNLAWFUL OR UNNECESSARY EXERCISE OF AUTHORITY, that is to say, if he,

(i) without good and sufficient cause makes an unlawful or unnecessary arrest,

(ii) uses any unnecessary violence to a prisoner or other person contacted in the execution of duty, or

(iii) is uncivil to a member of the public;

(*h*) DAMAGE TO CLOTHING OR EQUIPMENT, that is to say, if he,

(i) wilfully or carelessly causes waste, loss or damage to any article of clothing or equipment, or to any book, document or other property of the police force, or

(ii) fails to report waste, loss or damage however caused;

(*i*) CONSUMING INTOXICATING LIQUOR IN A MANNER PREJUDICIAL TO DUTY, that is to say, if he,

(i) while on duty is unfit for duty through drinking intoxicating liquor, or

(ii) reports for duty and is unfit for duty through drinking intoxicating liquor, or

(iii) except with the consent of a superior officer or in the discharge of duty, drinks or receives from any other person intoxicating liquor on duty, or

(iv) demands, persuades or attempts to persuade another person to give or purchase or obtain for a member of the police force any intoxicating liquor, while on duty;

(*j*) LENDING MONEY TO A SUPERIOR; OR

(*k*) BORROWING MONEY FROM OR ACCEPTING A PRESENT FROM ANY INFERIOR IN RANK.

2. Any chief of police, other police officer or constable also commits an offence against discipline and shall be liable to punishment as provided in the regulations, if he connives at, abets or is knowingly an accessory to any offence against discipline under this code. R.R.O. 1950, Reg. 791, Sched.

The Task Force on Race Relations and Policing

Interim Report

MONITORING

To: The Solicitor General of Ontario

August 17, 1992

The Task Force on Race Relations and Policing

Members of the Task Force as appointed by the Solicitor General:

Clare Lewis - Chair

Dr. Ralph Agard

Chief of Police, James Harding

News Release

Task Force Recommends Board to Monitor and Review Police/Racial Minority Relations

August 17, 1992

Toronto - The Task Force on Race Relations and Policing has recommended a community-based Board to monitor and review the interaction between racial minorities and the police.

In its second interim report since being recently recalled by the Provincial Government, the Task Force points out that in its 1989 Report, it had recommended a monitoring agency. That recommendation was not accepted by government. The absence of a monitoring mechanism, and recurring race relations and policing crises, create a climate of concern as to the capacity of government to manage race relations and policing matters.

The Task Force urges the establishment of a community-based Race Relations and Policing Monitoring and Audit Board. First recognized by the Task Force in its 1989 province wide study, the urgent need for monitoring was also one of the recommendations made recently by Stephen Lewis in his Report to the Premier. The Race Relations and Policing Monitoring and Audit Board proposed by the Task Force would monitor police/racial minority relations and initiate audits of police race relations policies.

The Task Force strongly suggests that the government consider adopting the principle of an effective monitoring system now, while allowing a brief time for consultation and examination of any possible internal or systemic impediments to implementation. Referring to the soon-to-be released race relations audit of the Metropolitan Toronto Police by the Metropolitan Toronto Auditor, the Task Force believes its content may also offer the government valuable insights as to the appropriate structure and responsibilities of an effective monitoring process.

To break what it calls a "cycle of crisis", and gain and maintain public confidence in government's ability to respond effectively to race relations and policing issues, the Task Force recommends that the Race Relations and Policing Monitoring and Audit Board operate somewhat independently of traditional government structure. The Board must be permitted to speak publicly and, if necessary, critically on race relations and policing policies and procedures of both police and the Ministry of the Solicitor General.

The Task Force calls for the appointment of a full-time Chair and nine part-time members, with representation that is equitable in terms of gender balance, geographic distribution, and racial and linguistic diversity. Three of the part-time members should have policing backgrounds but not be serving police officers.

Reporting directly to the Solicitor General, the Board would have a mandate which includes responsibility to:

-assess, on an ongoing basis, the work of the Ministry in such areas as employment equity and recruitment, race relations training, community/police relations, and race relations policy development; and, to recommend to the Minister a course of action;

-identify emerging trends in the ongoing interaction between racial minorities and police, and alert the Solicitor General to the need for policy and initiative change;

-develop a race relations audit methodology;

-determine which police services shall undergo a Ministry race relations audit and at which times;

-evaluate those audits and make recommendations to the Solicitor General;

-report annually to the Minister on progress made in race relations and policing throughout the province;

-ensure it receives submissions from the community on a regular basis.

The Task Force recommends a legislative amendment to provide the Solicitor General with the authority to enforce compliance with accepted audit recommendations by the Race Relations and Policing Monitoring and Audit Board, and require local Police Services Boards to respond to the Board with plans of action for implementation of audit recommendations.

"Establishing and nurturing a strong police and racial minority relationship is a complex process requiring constant attention and a comprehensive plan of tangible, measurable and observable deeds", cautions Clare Lewis, Chair of the Task Force. "Monitoring and leadership by government are the keys to the success of any such plan. The Police and the community they serve both share a critical need for guidance and support."

The Task Force on Race Relations and Policing will present its final report to government in October, providing a detailed analysis of what progress has been made on all of the Task Force's 57 recommendations made in 1989, and if deemed appropriate, making further related recommendations.

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Interim Report

Monitoring

A. Monitoring Recommendations (1989)

The Task Force on Race Relations and Policing was created on December 13, 1988, by the then Solicitor General of Ontario. In reviewing its Terms of Reference, the Task Force decided that "Monitoring" was indeed, paramount, and given the critical need, dealt with it first in the Task Force report. With respect to the issue of monitoring, the Task Force was required to inquire and report on:

> "Ways in which a monitoring system may be established to provide for a regular review of the interaction between visible minorities and the police."

We argued in response to this Term of Reference that despite five prior major reports of relevance:

> "the public perception that little change has resulted from these reports has led to a general loss of faith in the system's ability to deal with problems of race relations. ... Recommendations were made to respective levels of government which, in turn, decided which recommendations should be implemented. These bodies were never required to give a public account detailing which recommendations had or had not been accepted. As a result, no meaningful public assessment of the success of the proposed strategies for change has been possible."

In our report, delivered in April of 1989, we noted that most of those who had made

oral and written submissions to us did so with a deep sense of cynicism, expressed as doubt that our process would have meaningful effect on government or the police. We stated, in the executive summary of our 1989 report;

> "There is some justification for this perception. Failure to provide effective monitoring of government and police response to previous recommendations, and to enable meaningful assessment of successes or otherwise of initiatives undertaken, has resulted in a cyclical pattern of crisis response. Controlled, reviewed and evaluated progress towards identified and generally accepted race relations and policing goals has been markedly absent.
>
> The Task Force reports unequivocally that relations between police and visible minorities are at a dangerously low level. A good police and visible minority relationship is a complex process requiring constant attention, and a comprehensive plan of tangible, measurable and observable deeds. Monitoring is the key to the success of any such comprehensive plan.
>
> We assert that a monitoring system specific to the institution of policing in relation to visible minorities is required. **An imperative is the establishment of a monitoring process which will attract and maintain public confidence. To do so requires some independence from government and the police and some authority to ensure achievement of established goals."**(emphasis added)

To that end, we considered the creation, by statute not later than September of 1989, of an agency with appropriate staff and a Board of Commissioners, to be known as the Ontario Race Relations and Policing Review Board. We recommended that the Board should be composed of three to five civilian members, with a minority from a policing background. Each member should be full time and appointed by the Lieutenant Governor In Council on the recommendation of the Solicitor General.

The Task Force envisaged the Board as being at "arms-length" from government,

reporting through the Solicitor General to the Legislature, and having extensive authority. The Board was intended to have facilitative, objective decision-making, and evaluative functions to monitor the interaction between racial minorities and the police, and to provide, independent of government, an on-going review of change processes in Ontario police forces.

We considered the need for an effective monitoring agency to be so critical that we recommended an extensive and inter-related set of duties which were set out in detail in Recommendations 4, 5, 6-9, 11, 22-24 and 50 of our 1989 report. All previous Task Force recommendations relating to the Board are attached to this Interim Report as Appendix "A". They were intended to provide the Board with an active oversight and consultative role in ensuring rapid, time-limited development and effective implementation of, amongst others:

- employment equity plans and recruitment;
- bias free recruitment, testing and selection instruments and processes;
- an Organizational Climate and Employee Satisfaction Survey for administration to all visible minority officers and sworn employees of Ontario police forces;
- revised and integrated police race relations training;
- train-the-trainers programs;
- a crisis response mechanism for adoption and use by government, police institutions and community organizations.

Further, we sought, in Recommendation 4 to provide the public with a window into both government and police activity by assigning the Board among other reportable duties,

responsibility:

> "To provide assistance to the Solicitor General in the implementation of recommendations of the Race Relations and Policing Task Force."

and

> "To perform an audit of police policies, priorities and procedures as they relate to the interaction of visible minorities and the police."

B. Decision Not To Implement

The Government of Ontario did not accept the monitoring recommendation in principle, and no monitoring agency has been created. Many other recommendations of the Task Force have been accepted in principle and there has been, with varying success, development and implementation of some of those accepted recommendations. However, it is our opinion after an intensive preliminary review, there exists no monitoring mechanism capable of determining what recommendations were accepted, or of assessing the degree and quality of implementation. We are also not aware at this time of the existence of a capacity to perform an audit of police policies, priorities and procedures as they relate to the interaction between racial minorities and police.

In our view, one result of the absence of a monitoring body has been the need to recall the Task Force as recommended by Stephen Lewis in his report to the Premier on June 9,

1992 to:

> "... assess the status of current implementation, the status of recommendations still outstanding, and to suggest precisely how to proceed. [The Task Force] should be asked to report by October 15, 1992. [The Task Force] should also be at liberty to make further recommendations as appropriate."

In effect, the Task Force is now, on an urgent basis, requested to do much of what we had conceived to be an essential on-going function of a properly constituted monitoring agency. The body which we had proposed three years ago would, by now, have developed expertise and oversight capacity of value to the government, the police, the public at large and racial minority communities in particular. It is our respectful view that such an agency would have, during that period, provided government with a capacity for co-ordination of effort, and timely awareness of both impediments to progress and potential problems in police and racial minority relations. So too, it would, with its research capacity, have been able to develop an appropriate methodology for its intended duty "to perform audits of police policies, practices and procedures as they relate to the interaction of visible minorities and the police."

The lack of this auditing capacity, intended to be provided by the monitoring agency, in our view, has led Stephen Lewis to state the need "to monitor the management of race relations issues within the police forces of Ontario" and to recommend:

> "By September 1, 1992, a community based Monitoring and Audit Board be established to work in conjunction with the Race Relations and Policing Unit of the Ministry of the Solicitor General. In collaboration with police forces and municipalities, a systematic audit of police Race Relations policies be pursued to the extent and in the number that appears reasonable in any given year."

We believe that Stephen Lewis' recommendation is similar in functional intent to that of the Task Force made three years ago. The Task Force sees merit in the establishment of the Board outlined in Stephen Lewis' recommendation. However, we are concerned that a community-based Board with a mandate solely to direct and analyze race relations audits will not incorporate a comprehensive monitoring process, to the degree we feel necessary.

As stated earlier, in 1989, one of the Terms of Reference of the Task Force was to report on "ways in which a monitoring system may be established to provide for a regular review of the interaction between visible minorities and the police". To address properly the original Term of Reference, the role of a Board through which a regular review of the interaction between racial minorities and the police can occur must have roles and responsibilities beyond those set out in the preamble to Stephen Lewis' recommendation.

C. Current Status

The Task Force was re-constituted on July 15, 1992. Our recent process began with a review of the response of the Ministry of the Solicitor General to 1989 recommendations. The Ministry is charged with the overall responsibility for ensuring the successful implementation of police race relations policy, and for guiding police services in conformity.

While no monitoring agency was established, the Ministry created within itself, the Race Relations and Policing Unit, reporting directly to the Deputy Solicitor General. It was

divided into three branches and charged with three primary responsibilities. Its Employment Equity Branch was to develop an Employment Equity Regulation and ensure implementation of that scheme. Its Race Relations Training Branch was to develop and ensure implementation of new race relations training for police officers. Its Police/Community Relations Branch was to develop community grants programs and a race relations policy for police services.

The Race Relations and Policing Unit was created to perform certain research, program development, and advisory roles recommended by the Task Force to be undertaken by the recommended Ontario Race Relations and Policing Review Board. It is clear the Race Relations and Policing Unit was not tasked with the responsibility of monitoring. Certainly, the Unit was not given the resources or the structure to perform a monitoring function. The efforts of the Unit were specially devoted to development and implementation of particular programs selected in response to individual Task Force recommendations.

In our final report, we will comment more precisely on the results of this approach. In general, it is clear that, while not within recommended time frames, there has been some success to date in relation to employment equity. The Employment Equity Regulation is in place and individual police service employment equity plans are undergoing an approval process. We do, however, have concerns regarding the approach of government to supporting police services in achieving employment equity, which we will detail in our final report.

The work of the Police/Community Relations Branch has resulted in the development of a community grants program. The initiative at present appears to be at a standstill as a result of budget cuts affecting staffing. Three years after the recommendation was made, a police race relations policy remains in draft form.

While we will report more fully in this regard, the extensive work done by the Unit's Race Relations Training Branch to develop and integrate race relations training into training modules at the Ontario Police College at Aylmer, has been largely unsuccessful. The Task Force made particular note, in 1989, of the entirely inadequate nature of most Ontario police race relations training. We recommended an integral role for the proposed monitoring agency in ensuring success in the creation and delivery of clearly necessary and effective race relations training for police. The monitoring agency was not created and we report that, with one exception, the Ministry has not yet succeeded in delivering new race relations training for police officers. Aside from limited test sessions, there has been no new race relations training at the Ontario Police College and almost no individual police services have received new in-service race relations training. Recently, staffing of the Race Relations Training Branch of the Unit has been severely reduced by budget cuts.

We had intended in 1989 that the monitoring agency which we recommended would assist government in co-ordinating development and implementation of its programs to ensure equable relations between police and racial minority communities while providing an accessible means for public participation in that process. Aside from the Race Relations and

Policing Unit's initiatives, the Ministry has other proposals in planning and consultative stages to respond in whole or in part to certain Task Force recommendations in areas such as community policing, use of force regulations and officer recruitment. There has not been, nor is there now a monitoring body capable of assisting the Ministry in adequately completing these responses.

We recognize, and do not discount, that there has been significant work done by the Ministry in some areas, including the development of a major strategic plan for all of police training and education. While the plan has much to commend it, we note that it does not have a significant race relations component.

D. Continued Need For Monitoring

We are of the view that, overall, there has not been a fully co-ordinated, reviewed, and publicly assessable approach to the development and implementation of the Ministry's race relations and policing program. Further, we believe that Ministry decisions on allocation of funding have resulted in the removal of funds from this area to support other Ministry operations.

We maintain that a properly constituted monitoring agency, with its mandate, expertise and public contribution, would have assisted the Ministry in achieving necessary co-

ordination and funding. In recommending such an agency, we recognized past events have shown the difficulty government has had in achieving success in these matters without benefit of a monitoring body. It is not reasonable to expect police to deal with these issues without concerted government leadership and support.

E. Urgency

In 1989, we stressed the urgency which we felt attached to finding solutions to the strained relations between police and racial minorities. To reflect that urgency, and meet the need, we assigned some time limits within which we thought recommendations might reasonably be implemented while addressing a critical situation. More than three years has elapsed and most of our recommended time limits have passed with little demonstrable effect. Stephen Lewis has now spoken of urgency and has assigned very tight time limits to his recommendations. We support his view that action must be swift if this government is to take control of the issues. The police and the community have critical need of guidance and support.

F. Public Confidence

It is our view that the monitoring function ought not to be placed within any existing agency of government. We repeat our earlier view that a monitoring system must pertain

specifically to the institution of policing in relation to racial minorities. We believe that the task is sufficiently complex, and urgent that a specialized body is required. Further, we still believe that the appointment of a community based advisory committee to the Solicitor General will not suffice.

We argued in 1989 that an advisory committee would be weak, not action-oriented, and unable to facilitate, evaluate programs, and promote accountability. Such a body would not achieve the goals of either this Task Force or of those set out in the Stephen Lewis Report. It would not work, and would not gain or maintain public confidence.

The Task Force remains convinced that the mistrust by racial minority communities of both political and bureaucratic entities to deal effectively with issues concerning race relations and policing is as intense now as it was in 1989. As our racial and cultural diversity increases, these issues become more complex. To overcome this mistrust of government capacity to respond effectively, government must break the cycle of crisis which has been created by successive government failure to adopt and implement fully accepted recommendations. That goal can only be achieved if government is prepared, politically and bureaucratically, to accept some independent assessment by an ongoing monitoring body, and committed to responding to its recommendations.

G. Race Relations and Policing Monitoring and Audit Board

We continue to believe that if the monitoring concept had been implemented, it would have served the government, the public and the police well. At this time, however, we have modified our original position which involved the creation, by statute, of the Ontario Race Relations and Policing Review Board. We recognize that some of its proposed facilitative functions are already under way within the Ministry. Further, we understand that our proposal gave rise to concerns that it would not meet the needs of ministerial accountability. The Board proposed was perceived as too independent and as removing critical responsibilities from the Ministry of the Solicitor General, thereby negating required political accountability resting in the Minister.

The Task Force accepts that these developments, and the principle of ministerial accountability now require a revised approach to monitoring. However, we continue, as does Stephen Lewis, to assert the need for an effective monitoring mechanism which will attract and maintain public confidence. We understand that the government is considering a number of monitoring options at present.

We now recommend the establishment of a Race Relations and Policing Monitoring and Audit Board with a full-time Chair appointed by the Lieutenant Governor In Council, and part-time community members similarly appointed. The Board should report directly to the Solicitor General.

We do not believe that the Race Relations and Policing Unit should either staff or provide administrative support to the Board. The Board requires the independence of its own staff to fulfil its monitoring role and audit function. Further, the Board must have an independent research capacity to enable it to assist in the development of a race relations audit methodology and to identify emerging trends in interaction between racial minorities and the police.

The proposed roles and responsibilities of the recommended Race Relations and Policing Monitoring and Audit Board are set out below. Its establishment would require legislative amendment.

The Board, through reviewing Ministry initiatives, would assist the Minister in implementing race relations and policing programs. Further, the Board would perform its audit function by creating and continuing to refine audit methodology for the audit of police policies, practices and procedures as they relate to the interaction of racial minorities and police, by reviewing completed audits, and by making recommendations to the Minister in response to that review.

We believe it is of significance that the race relations audit referred to in Stephen Lewis' report is being carried out by the Metropolitan Auditor who is independent of the Metropolitan Toronto Police Force and of the Ministry. However, as was noted in Stephen Lewis' report, not every municipality will have the capacity to carry out an audit.

Accordingly, we envisage race relations audits of other police services being carried out by Police Service Advisors of the Policing Services Division of the Ministry. To ensure an element of independence remains, it is critical the Board create audit methodology, select police services to be subject to a race relations audit, receive and review audit results, and make recommendations to the Minister. A legislative amendment could provide the Solicitor General with authority to enforce compliance with accepted audit recommendations by the Board and could require Police Services Boards to respond to the Race Relations and Policing Monitoring and Audit Board with plans of action for implementing audit recommendations.

The Board's public composition and obligation to consult publicly would both inform the Minister of needed action and gain community support through a public sense of ownership. It must be permitted to speak publicly, and if necessary, critically.

Before making our recommendations, we must state our concern at the process underway in responding to Stephen Lewis' Monitoring and Audit Board recommendation. It appears to us that in the three years since the decision was made to reject our previous recommendation of the need for a monitoring mechanism, no thought has been given either at the political or bureaucratic levels to this issue, including alternative monitoring means.

As a result of Stephen Lewis' recommendation in this regard, and his stated time limit for its establishment by September 1, 1992, the Ministry is now hastening to comply.

The structure and function of a monitoring system which will be effective, and gain and maintain public confidence require a thoughtful, measured consideration. We regret the need to respond to this issue so quickly, and respectfully suggest that the government might consider adopting the principle of the need for an effective monitoring system now, while permitting a brief period for reflection, considered consultation and examination of possible internal impediments to implementation. We note that the report of the Metropolitan Toronto Auditor on the recent race relations audit of the Metropolitan Toronto Police will be released by mid-September. The content of that report and an understanding of its process might valuably inform the decision of the government regarding the structure and roles of an effective monitoring process.

With that concluding statement we are, of course, anxious to assist the government in making its decision in the available time limits, and wish with this interim report to do so.

H. Recommendation

The Task Force recommends the establishment by amendment to the **Police Services Act** of a body to be known as the Race Relations and Policing Monitoring and Audit Board. The Board should have a full-time Chair and 9 part-time members, with representation that is equitable in terms of gender balance, geographic distribution, and racial and linguistic diversity, who shall be appointed by the Lieutenant Governor In Council. Three of the part-time members should have a policing background, but not be serving police officers. The Board should have its own administrative and research staff. The Board should report and make recommendations to the Solicitor General, who should have authority to enforce compliance with audit recommendations of the Board. Police Services Boards should be required to respond to the Board with plans of action for implementing audit recommendations.

The designated roles and responsibilities of the Race Relations and Policing Monitoring and Audit Board shall be:

(a) To monitor and review the interaction of racial minorities and police in the areas of employment, training, community relations, use of force, public complaints, media relations, policies on race relations, and access to services.

(b) To receive periodic reports from any Division, Unit, or Branch of the Ministry engaged in matters related to issues of race relations and policing on any such issues inclusive of, but not limited to the following areas:

- (i) Employment equity;
- (ii) Race relations training;
- (iii) Community/Police relations;
- (iv) Race relations policy development.

(c) To assess, on an on-going basis, the work of the Ministry in all such areas, and to recommend to the Minister a course of action to be taken arising from an assessment of reports.

(d) To direct the work of its Research staff, through which the Board shall identify emerging issues in the interaction between racial minorities and police and bring to the Solicitor General's attention the need for changes in policy or initiatives.

(e) To evaluate, at intervals set up under the Employment Equity Regulation, the implementation of police employment equity plans. The evaluation process shall include direct input from police services boards and chiefs of police, when deemed necessary.

(f) To evaluate and report to the Minister on recruitment strategies prepared within the Ministry and police services.

(g) To develop a race relations audit methodology.

(h) To determine which police services shall undergo a Policing Services Division race relations audit, and at what times.

(i) To receive audits from Policing Services Division, and evaluate the audits, make recommendations to the Minister, and to comment publicly on the audits.

(j) To obtain and review the action plan of a police service board to implement audit recommendations.

(k) To report annually, to the Solicitor General, on the progress made in race relations and policing throughout the province, and to release interim reports during the course of any given year as it sees fit. The Board shall ensure all of its reports are made available to the public.

(l) To receive, on a regular basis, submissions from the community.

Clare Lewis, Chair

Dr. Ralph Agard

Chief of Police James Harding

Appendix "A"

Appendix A

Task Force Recommendations, 1989

Monitoring

1. The Task Force recommends that, by September, 1989, the Government of Ontario through the Solicitor General create an agency, by statute, with appropriate staff and a Board of Commissioners, to be known as the Ontario Race Relations and Policing Review Board. (Page 44)

2. The Task Force recommends that the first Board of Commissioners of the Ontario Race Relations and Policing Review Board be comprised of three full-time civilians appointed by the Lieutenant Governor in Council, on the recommendation of the Solicitor General, for a term of three years, renewable for a further three-year term, and have:
   i) a member with a policing background;
   ii) a majority of visible minority members;
   iii) a Chair who is, preferably, a visible minority.
   (Page 46)

3. The Task Force recommends that the Solicitor General require all police institutions and police governing authorities to prepare action plans in response to the recommendations of this Task Force which are accepted by the Solicitor General and to submit those plans to the Review Board for its consideration. (Page 48)

4. The Task Force recommends that the designated roles and responsibilities of the Ontario Race Relations and Policing Review Board be:
   a) To promote a climate of healthy interaction between racial minorities and police forces in Ontario.

   b) To monitor and review the interaction of visible minorities and police in the areas of employment, training and community relations.

   c) To provide the Solicitor General, the Government and Legislature of Ontario with periodic and annual reports on police and visible minority relations.

d) To anticipate trends and identify emerging issues in the interaction between visible minorities and police and bring to the Solicitor General's attention the need for policy or initiative changes, either on its own or at the request of the Solicitor General.

e) To provide assistance to the Solicitor General in the implementation of recommendations of the Race Relations and Policing Task Force.

f) To collect, review and assess data in relation to the implementation of recommendations of the Race Relations and Policing Task Force.

g) To provide on-going consultation to police governing authorities, Chiefs and Commissioners of Police and police training institutions in order to facilitate the establishment of regional and police agency-specific action plans to address issues related to police and visible minority relations.

h) To establish and maintain on-going consultation with the Ontario Association of Chiefs of Police and the Municipal Police Authorities regarding regional action plans which have province-wide implications.

i) To establish a research capacity to evaluate the degree and impact of racism in policing.

j) To provide on-going consultation to police governing authorities, Chiefs and Commissioners of Police, police associations and police educational institutions on the implementation of policies related to emerging issues in the relationship of visible minorities and police as identified by the Solicitor General of Ontario, the Policing Services Division, the Ontario Police Commission, the Ontario Association of Chiefs of Police, the Municipal Police Authorities, the community and the Review Board itself.

k) To perform an audit of police policies, practices and procedures as they relate to the interaction of visible minorities and police.

l) To review and advise on the race relations action plans of police organizations prior to their implementation.

m) To receive, assess and approve:
   i) by June 1990, an initial visible minority employment equity policy, including a five-year program of hiring and promotional goals and timetables, from all police governing authorities and police forces;
   ii) thereafter, an annual report on the preceding year's response to visible minority employment equity goals and timetables from all police governing authorities

and police forces;

iii) an annual visible minority employment equity plan, pertaining to the ensuing five years, from all police forces.

n) To establish, in consultation with policing institutions, visible minority employment equity goals and timetables in cases in which the plans developed independently by institutions do not meet with Board approval.

o) To report the failure of police organizations to meet approved or established employment equity goals and timetables:
   i) to the Solicitor General;
   ii) to the Ontario Human Rights Commissioner for investigation and action as an allegation of systemic discrimination.
   (Page 50)

5. The Task Force recommends that the Ontario Race Relations and Policing Review Board report:
   a) Annually, to the Legislature of Ontario through the Solicitor General but separately from the annual report of the Solicitor General.
   b) Quarterly, on a consultative basis to the Cabinet Committee on Race Relations.
   (Page 53)

Hiring and Promotion

6. The Task Force recommends that the Solicitor General seek to require, by regulation, all police governing authorities, and provincial and municipal police forces to establish a visible minority employment equity policy and a five-year program of hiring and promotional goals and timetables for all sworn peace officer and civilian positions by December, 1989.

   a) Further, the Task Force recommends that these policies and programs be required, by regulation, to be submitted to the Ontario Race Relations and Policing Review Board for approval by a staff Employment Equity Inspector by not later than June 1990.

   b) Further, the Task Force recommends that if a visible minority employment equity policy or program is not approved by the Review Board Employment Equity Inspector that the policy or program be forthwith submitted to the Board of Commissioners of the Review Board for hearing and review and establishment of the policy or program by the said Board of Commissioners within 30 days.

c) Further, the Task Force recommends that each police force, whose five year visible minority program of hiring and promotional goals and timetables has been approved or established by the Review Board, shall be required, by regulation, to submit annually thereafter a report to the Review Board describing its progress in achieving the approved or established visible minority hiring and promotional goals for the previous year and outlining, for approval or establishment by the Review Board, its visible minority hiring and promotional goals and timetables for the following five years, with the result that a five year plan will always continue to be in effect.

d) Further, the Task Force recommends that in any year in which a police force has failed to achieve its approved or established visible minority hiring and promotional goals and timetables, the Review Board shall be empowered to refer the failure of the force to the Ontario Human Rights Commission as an allegation of systemic discrimination in employment practices by the said force for the Commission's investigation, determination and remedy, if appropriate.

e) Further, the Task Force recommends that the Review Board annually report on and refer any such failures by a police force to meet its approved or established visible minority hiring and promotional goals and timetables to the Solicitor General for the Minister's assessment and when appropriate, recommendation to the government that the annual unconditional provincial per capita policing grant be withheld from the municipality responsible for the maintenance of that police force. Similar financial sanctions should be considered in relation to the Ontario Provincial Police when appropriate.

f) Further, the Task force recommends that the visible minority employment equity policies and hiring and promotional programs be required to reflect the appropriate representation of visible minority women, as well as visible minority men, available in the workforce.

g) Further, the Task Force recommends that the Review Board consider 1996 as the year for the achievement of the goal of all Ontario police forces being representative of the racial diversity of the communities they serve.
(Page 75)

7. The Task Force recommends that, by 1990, the Solicitor-General, after consultation with the police governing authorities, the Ontario Association of Chiefs of Police and the Police Association of Ontario, develop mechanisms by which lateral entry by members of other forces or direct entry by qualified civilians will be accomplished, thereby allowing entry at ranks above constable.

a) Further, the Task Force recommends that, by 1990, the Policing Services Division of the Ministry of the Solicitor General design an Officer Training Program to be offered at the appropriate police educational institution for all candidates seeking command and senior officer rank whether from within lower ranks of the forces, by lateral entry from another force or by direct entry from civilian occupations.

b) Further, the Task Force recommends that, by 1993, the Race Relations and Policing Review Board consider lateral entry and direct entry processes as well as accelerated promotional plans for the recruitment of visible minorities at all senior ranks when approving the goals and timetables of Ontario police forces.
(Page 80)

8. The Task Force recommends that the Solicitor General require each police governing authority to review immediately all sworn peace officer positions, at all levels, to determine which may be staffed by civilians and to convert such positions to civilian status by December 1989 and to include all civilian positions within required visible minority employment equity policies and hiring and promotional programs of goals and timetables to be submitted to the Ontario Race Relations and Policing Review Board by December 1989.
(Page 81)

9. The Task Force recommends that, by April, 1990, the Solicitor General establish a Central Police Recruiting Unit as part of the Policing Services Division to serve all police forces in Ontario; the functions of this unit to include the following:

a) To recruit police officers, with special emphasis on visible minority officers, to fill the stated needs of police forces;

b) To develop or acquire in consultation with police management and the Ontario Race Relations and Policing Review Board, bias-free recruitment, testing and selection instruments and processes.

c) To develop, maintain and publish relevant data on the composition of Ontario's police forces with special reference to recruitment, selection, hiring and promotion of those candidates from the pool established by the Central Recruiting Unit.

d) To conduct appropriate research in police recruitment issues.
(Page 83)

10. The Task Force recommends that, by December 1989, the regulations of the **Police Act** be amended to require all police forces to allow members of the Sikh religion to wear their religious symbols, including the Turban and the Five K's, while serving in every facet of policing. The following standards might be considered as requirements:

    i) Unshorn beard be dressed in the traditional fashion.
    ii) Turban style, colour and fabric to conform to uniform standards.
    iii) The Kirpan to be no longer than nine inches in its total length.

10. a) Further the Task Force recommends that the Solicitor General ensure that no person be deprived of police employment by reason of religious dress or other requirements which can be reasonably accommodated.
    (Page 84)

11. The Task Force recommends that, by 1990, the Ministry of the Solicitor General develop and make available to the Ontario Provincial Police and municipal policing authorities and police administrations an Organizational Climate and Employee Satisfaction Survey to be administered to visible minority officers and civilian employees in order to assess their adjustment within, treatment by and satisfaction with their respective police forces and to enable appropriate action to be taken; the summary results of such surveys to be reported to the Solicitor General and to the Race Relations and Policing Review Board.
    (Page 86)

12. The Task Force recommends that the Solicitor General establish an award of excellence to be given annually, or when warranted, to the force or forces which have performed meritoriously in achieving employment equity goals in employment, promotions and the creation of an hospitable working climate for visible minority officers and civilian employees. Input from police officers should be an essential ingredient in making the selections.
    (Page 87)

20. The Task Force recommends that the Solicitor General require all probationary constables to complete a two to three-month internship with a visible minority community organization.

    a) Further, the Task Force recommends that the Solicitor General require all officers to complete a further two to three-month internship with a visible minority community organization prior to being considered for promotion.
    (Page 106)

21. The Task Force recommends that the Solicitor General, through the **Police Act**, require that all officers, including senior command officers, civilian staff, police commissioners and members of committees of council, receive race relations training on a continuing education basis.
(Page 109)

22. The Task Force recommends that the Solicitor General impose an immediate moratorium on all race relations training programs and planned initiatives pending the review and replacement of all existing race relations training programs.

    a) Further, the Task Force recommends that the Solicitor General require that, by January, 1990, the instructional materials and training programs used by all police forces and training institutions be reviewed jointly by the Solicitor General, the Municipal Police Authorities, the Ontario Association of Chiefs of Police, the Police Association of Ontario, the Ontario Race Relations and Policing Review Board and civilian consultants for the purposes of developing a basic race relations training program and integrating race relations issues into all aspects of police training.

    b) Further, the Task Force recommends that the review of training materials ensure that visible minority civilians and police officers of both sexes be appropriately depicted in all departments and in all ranks, interacting with each other and with white officers and civilians.

    c) Further, the Task Force recommends that all police race relations training manuals be available for review by the public.

    d) Further, the Task Force recommends that, by June 1990, a race relations program be designed jointly by the Solicitor General, the police, representatives of visible minority communities and civilian consultants with expertise in race relations training for use by all police forces, training institutions and police governing authorities.

    e) Further, the Task Force recommends that this program be implemented by all police forces, training institutions and police governing authorities by December 31, 1990, and be monitored and evaluated every year for the first three years and every five years thereafter by the Ontario Race Relations and Policing Review Board.
    (Page 113)

23. The Task Force recommends that, by January 1990, the Solicitor General require the Ontario Police College, in consultation with the Ontario Race Relations and Policing Review Board and civilian experts, to design a train-the-trainers program for all Ontario Police race relations training officers.

    a) Further, the Task Force recommends that the train-the-trainers program be evaluated by the Ontario Race Relations and Policing Review Board every year for the first three years and every five years therafter.
    (Page 116)

24. The Task Force recommends that the Ontario Race Relations and Policing Review Board be required to undertake a long term study of police race relations training and its effect on the interaction of officers with visible minority communities.
    (Page 117)

50. The Task Force recommends that the Solicitor General, in consultation with the Ontario Race Relations and Policing Review Board, the Ministry of the Attorney General, the Ministry of Citizenship, the Municipal Police Authorities, the Ontario Association of Chiefs of Police, the Police Association of Ontario and municipal governments and relevant community organizations, develop a crisis response mechanism for adoption and use by government, police institutions and community organizations.
    (Page 174)

51. The Task Force recommends that media relations units within police forces, with the approval of their police governing authority develop, a policy with respect to the release of information relating to race and crime. Specifically, the race or colour of an accused should never be publicized. The racial characteristics of a particular suspect wanted for criminal acts should only be referred to when it is an investigatative requirement.
    (Page 180)

52. The Task Force recommends that officers whose performance indicates that they have difficulty addressing race relations issues be required to attend remedial courses and that their performance following such training be formally monitored.
    (Page 181)

53. The Task Force recommends that police forces create an award for officers who exhibit skill in identifying and addressing race relations issues in the course of their duties. This award should be of equal prestige to, and presented at the same ceremony as, other police awards.
(Page 182)

First Nations People's

54. The Task Force recommends that the Government of Ontario initiate, in conjunction with the Government of Canada and representatives of native peoples, the establishment of a tri-partite task force for the purpose of studying the feasibility and necessary structures and processes of native justice systems in Ontario, and recommending working models thereof as pilot projects, and that this tri-partite task force be created and operational within one year of the filing of this report of the Race Relations and Policing Task Force.
(Page 190)

Minister of Justice
and Attorney General of Canada

Ministre de la Justice
et Procureure générale du Canada

A. Kim Campbell, P.C., Q.C., M.P./c.p., c.r., députée

AUG 3

A MESSAGE FROM

THE MINISTER OF JUSTICE AND ATTORNEY GENERAL OF CANADA

As you may know, the federal government recently announced its intention to amend subsection 24(4) of the Criminal Code, more commonly referred to as the "fleeing felon" provision.

In preparation for this, the Department of Justice is distributing a discussion paper which outlines proposed legislative amendments to the "fleeing felon" provision. These amendments would, we believe, result in a clear, national standard governing the use of force, including force that is intended or likely to cause death or serious harm, by peace officers and those lawfully assisting them, against escaping suspects. This standard would give peace officers the powers and clear direction they need to protect themselves and the public while also ensuring that those powers are used judiciously and do not intrude unnecessarily on the basic liberties of all Canadians.

You will find enclosed a copy of the discussion paper. The multicultural community has shown an interest in the government's actions in this area, and we would be very pleased to have your views on these proposals. Please forward you comments by October 16 to the Criminal and Social Policy Sector, Room 750, Department of Justice, 239 Wellington Street, Ottawa, Ontario K1A 0H8.

A. Kim Campbell

Ottawa, Canada K1A 0H8

Department of Justice

News Release

JUSTICE MINISTER ISSUES PROPOSALS ON CRIMINAL CODE "FLEEING FELON" AND ELECTRONIC SURVEILLANCE PROVISIONS

VICTORIA, August 27, 1992 -- The Honourable Kim Campbell, Minister of Justice and Attorney General of Canada, and Member of Parliament for Vancouver Centre, made public today proposals that will provide police officers with clear direction on when they can use their firearms in apprehending escaping suspects. They will also restore to them the use of several effective electronic surveillance tools for criminal investigations. Minister Campbell made the announcement here today as part of her address to the annual conference of the Canadian Association of Chiefs of Police.

The proposals to change what is commonly called the "fleeing felon" rule would establish a national standard on the use of force that may cause death or serious harm against fleeing suspects. The proposals would restrict its use to situations where a peace officer believes, on reasonable grounds, that a suspect poses a threat of serious harm or death to the public if the suspect escapes arrest, and where no other reasonable, less violent means to prevent escape exists. The proposals would also apply to anyone lawfully assisting a peace officer.

"Peace officers must continue to have the ability to protect the public and themselves from serious harm or death," said Minister Campbell. "Our ultimate goal must be to ensure that police response to the threat posed by a fleeing suspect is in proportion to the seriousness of that threat and in keeping with current public values."

Many have argued that, as it is currently written, subsection 25(4) of the Criminal Code is seriously out of date and no longer in keeping with modern principles of proportionality and restraint that must characterize any use of force by the state.

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The proposals provide peace officers with clear, consistent direction on the use of deadly force in apprehending suspects. They would also reflect the special circumstances facing peace officers in penitentiaries by preserving their ability to use deadly force in apprehending escaping inmates in situations where they believe the safety of the public is threatened. This proposal reflects current policy and practice relating to the use of force in federal penitentiaries.

These proposals deal only with the use of deadly force against fleeing suspects. Other use-of-force and self-defence provisions in the Code would remain unchanged.

The second group of proposals announced at the conference deal with electronic surveillance. The proposals would permit police in potentially dangerous situations to have their conversations monitored. The courts would also be able to authorize video monitoring in situations similar to those where audio interceptions are now permitted, and allow police to intercept communications with the consent of a participant in a conversation in order to gather evidence or information relevant to criminal activity.

In the past two years, the Supreme Court of Canada ruled on a number of cases which have significantly affected the law and the practice of investigations conducted by police with the aid of electronic surveillance devices. These devices include concealed radio transmitters that allow conversations to be monitored from a remote location, commonly known as body packs, video surveillance cameras and electronic tracking devices.

"These proposals deal with the delicate balance required of the law in order to respect individual privacy rights while at the same time providing law enforcement officers with modern investigative tools," the Minister said.

Discussion papers on both sets of proposals will be circulated for comment to members of the police community, legal profession, multicultural organizations, privacy organizations and other groups and individuals interested in the proposals.

.../3

"I look forward to consulting with the police community and others on these proposals," said Minister Campbell. "I am confident that, by working together, we can give law enforcement officers the powers and the clear direction they need to protect the public while ensuring that those powers are used judiciously and do not intrude unnecessarily on the basic liberties of Canadians."

-30-

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(Version française disponible)

Minister of Justice
and Attorney General of Canada

CANADA

Ministre de la Justice
et Procureure générale du Canada

Justice Information

A Discussion Paper

concerning

The Deadly Use of Force

(Fleeing Felon Rule)

Presented at

the Annual Meeting

of the Canadian Association

of Chiefs of Police

August 27, 1992

Canada

DISCUSSION PAPER

PROPOSALS TO CHANGE SUBSECTION 25(4) OF THE CRIMINAL CODE (THE "FLEEING FELON" RULE)

INTRODUCTION

The criminal law in Canada, through the Criminal Code, makes certain behaviour illegal. It restricts the use of force against the person and the property of others. In some circumstances, however, the law provides a justification for behaviour which would otherwise be prohibited.

Preventing harm is the social responsibility of every one, but it is peace officers who are found on the front line of law enforcement in Canada. They have undertaken legal duties to preserve the peace and protect society. They seek to ensure that persons who have committed offences are arrested and are brought before the courts. They perform an essential role in the protection of society. In the course of their normal duties, they may find themselves in life-threatening situations.

Peace officers are expected to perform certain duties which are not expected of the ordinary citizen. Accordingly, with these extraordinary duties come special powers, including the power to use force in certain circumstances.

Peace Officers

A "peace officer" includes police officers, police constables or other people employed for the preservation and maintenance of the public peace; some members of the staff of the Correctional Service of Canada; customs or excise officers; fishery officers; some pilots in command of aircraft in flight; and some members of the Canadian Armed Forces.

Criminal Law Allows Use of Force

The criminal law in Canada recognizes the special role that peace officers perform in protecting the public. It permits them to use force when necessary in the course of their duties. If they use the amount of force permitted by the law, then they are protected by the law. It is against the law to use more force than is permitted by the law.

Every one required or authorized by law to enforce or administer the law can use force that is intended or is likely to cause death or grievous bodily harm, which is normally forbidden, where necessary to preserve the user or any one under that person's protection from death or grievous bodily harm (subsection 25(3) of the Criminal Code). In addition, this level of force is permitted by the "fleeing felon" rule (subsection 25(4)), which concerns the use of force to arrest a person.

"Fleeing Felon" Rule

Subsection 25(4) of the Criminal Code permits, in certain circumstances, peace officers who are proceeding lawfully to arrest a person, and everyone lawfully assisting them, to use as much force as is necessary to prevent the escape of that person, unless the escape can be prevented by other reasonable means in a less violent manner.

Out of Date

There is growing recognition of the need to change subsection 25(4) (the "fleeing felon" provision) of the Criminal Code, which is in fact the old common law rule which came from England. This rule permitted the killing of a person fleeing from arrest for a "felony" -- hence the term the "fleeing felon" rule. This rule was created in and for a time which has long since gone. When the rule was created, it was reserved for only the most serious offences (felonies), virtually all of which were punishable by death. Today, the rule applies to numerous crimes involving no danger to human life and punished by relatively minor penalties. The rationale for this fleeing felon rule no longer exists.

The current rule is wider than necessary. As it reads right now, it appears that this level of force can be used to stop the suspect from getting away, even though the suspect may not pose a threat of physical harm to the public or to the peace officer. A literal reading of the rule could justify a use of force that could cause death or grievous bodily harm against a shoplifter fleeing arrest who poses no threat of physical harm to anyone, if the escape cannot be prevented by reasonable means in a less violent manner.

New Proposals

In the place of the current subsection 25(4), the federal government proposes that there should be a clear, workable national legal standard to justify the use of force against fleeing suspects, or offenders escaping from penitentiaries, that is intended or is likely to cause death or grievous bodily harm. This standard would be one which

- maintains the ability of peace officers to protect themselves and the public from serious harm or death;

- is able to strike a delicate balance among those powers of the peace officers which are needed for effective law enforcement and for corrections, the right of the citizen to be protected from abuse of power, and the interest on the part of society in the judicial determination of guilt and punishment;

Accordingly, an amended subsection 25(4) could read as follows:

Power in case of flight

25(4). A peace officer who is proceeding lawfully to arrest, with or without a warrant, any person for an offence for which that person may be arrested without warrant, and everyone lawfully assisting the peace officer, is justified, if the person to be arrested takes flight to avoid arrest, in using as much force as is necessary to prevent the escape by flight **including, where the peace officer or any one lawfully assisting the peace officer believes on reasonable grounds that it is necessary for the purpose of protecting the peace officer, the person lawfully assisting or any other person from imminent or future death or grievous bodily harm, force that is intended or is likely to cause death or grievous bodily harm** unless the escape can be prevented by reasonable means in a less violent manner.

B. PROPOSED NEW SUBSECTION 25(5): EXCEPTION TO THE GENERAL RULE IN THE CASE OF AN ATTEMPTED ESCAPE FROM A PENITENTIARY

Discussion of the "fleeing felon" rule in the past has focused almost exclusively on the situation facing police officers and fails to deal directly with the situation confronted by peace officers at penitentiaries.

All institutional staff within the penitentiary are peace officers. Inmates are assigned a security level consistent with their risk and are placed in a penitentiary with a level of security consistent with that risk.

In penitentiaries, it is practically impossible for peace officers observing an escape to judge whether the particular inmate attempting to escape is likely to be dangerous if the escape is successful. Not only will the peace officers in that situation be unlikely to know the identity of the inmate, but they will also be unlikely to be aware of the factors that determine the risk the inmate presents at that particular moment.

Therefore, the federal government proposes that the use of force that is intended or is likely to cause death or grievous bodily harm be allowed in order to prevent the escape of an inmate from an institution in which it is known that there are inmates who would be dangerous if they escaped.

Moreover, force that is intended or is likely to cause death or grievous bodily harm would only be permitted as a last resort, after other reasonable, less violent means, such as a warning shot, if possible in the circumstances, have been tried.

This proposal reflects the current policy and practice relating to the use of force in penitentiaries.

A new subsection 25(5) could read as follows:

Power in case of escape from penitentiary

25(5). A peace officer is justified in using as much force as is necessary to prevent the escape of an inmate from a penitentiary within the meaning of the Penitentiary Act including, where the peace officer believes on reasonable grounds that any of the inmates of the penitentiary pose a threat to the peace officer or any other person of death or grievous bodily harm, force that is intended or is likely to cause death or grievous bodily harm, unless the escape can be prevented by reasonable means in a less violent manner.

This paper has been prepared by the Department of Justice to inform interested Canadians about proposed changes to the Criminal Code and should not be taken to be a complete statement of the law. Legal interpretation must be based on the law.

Please forward your comments by October 16, 1992 to:

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